

By Mr. SEARS: A bill (H. R. 13532) for the relief of Capt. Henry Marcotte; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 13533) granting a pension to David Graft; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6649. By the SPEAKER (by request): Petition of Board of Supervisors of the City and County of San Francisco, memorializes the Congress of the United States to so amend the law now existing that the manufacture and use of light wines and beer for beverage purposes may be permitted; to the Committee on the Judiciary.

6650. Also, petition passed at a public meeting of American citizens, favoring Irish political independence, held December 17, 1922, at Odd Fellow's Temple, Cincinnati, Ohio; to the Committee on Foreign Affairs.

6651. By Mr. BRIGGS: Petition of C. J. Sweeney and others, for the abolition of the discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6652. By Mr. KISSEL: Petition of Herbert Holton, Esq., associate professor of hygiene, accountable officer, Reserve Officers' Training Corps, New York City, N. Y., urging support of House bill 12819; to the Committee on Military Affairs.

6653. By Mr. McLAUGHLIN of Michigan: Petition of Swan Nelson and 19 others, of Newaygo, Mich., favoring the abolishment of the discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6654. By Mr. MEAD: Petition of Earll V. Gray and other citizens, of Buffalo, N. Y., favoring the abolition of the discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6655. By Mr. REBER: Petition of 15 members of Kalmia Chapter 261, Order Eastern Star, of St. Clair, Pa., favoring the passage of the Sterling-Towner bill creating a department of education; to the Committee on Education.

6656. By Mr. SINCLAIR: Petition of Ole Gunderson and 18 others, of Corinth, N. Dak.; E. G. Borchardt and F. H. Specht, of Underwood, N. Dak., urging the immediate passage of emergency legislation to stabilize the price of farm products; to the Committee on Agriculture.

6657. Also, petition of John Lyderson and 27 others, of Rawson, N. Dak., urging the immediate passage of emergency legislation for the relief of agriculture; to the Committee on Agriculture.

6658. Also, petition of Dr. J. R. Pence and 20 others, of Minot, N. Dak., favoring the abolition of the discriminatory tax on small-arms ammunition and firearms; also similar petition by Capt. H. Saunders and 20 others, of Minot, N. Dak.; to the Committee on Ways and Means.

6659. Also, petition of J. O. and Rudolf Ramstad, of Beach, N. Dak.; James A. and Helen McCulloch, of Fargo, N. Dak., for the passage of immediate legislation for agricultural relief; to the Committee on Agriculture.

6660. By Mr. SNYDER: Petition of Ernest M. Riggs and others, of Dolgeville, N. Y., to abolish the discriminatory tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

6661. By Mr. YOUNG: Petition of the executive committee of the Commercial Club of Bismarck, praying that legislation be enacted providing for the enlargement of the Federal building at Bismarck, N. Dak.; to the Committee on Public Buildings and Grounds.

#### SENATE.

THURSDAY, December 21, 1922.

(Legislative day of Saturday, December 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

REPORT OF THE WAR FINANCE CORPORATION (H. DOC. NO. 512).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the fifth annual report of the War Finance Corporation, for the year ended November 30, 1922.

Mr. FLETCHER. I presume the report will be printed.

The PRESIDENT pro tempore. That will depend upon the order of the Senate.

Mr. FLETCHER. I move that it be printed and referred to the Committee on Finance.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4100) to amend section 9 of the trading with the enemy act as amended, and it was thereupon signed by the President pro tempore.

#### PETITIONS AND MEMORIALS.

Mr. LODGE presented the petition of Harris G. Hale and sundry other members of the congregation of the Leyden Congregational Church, of Brookline, Mass., favoring the passage of the so-called Near East refugee act, which was referred to the Committee on Immigration.

Mr. LADD presented memorials of C. M. Scidmore and 15 other citizens of Park River, and H. H. McCumber and 24 other citizens of Pettibone, all in the State of North Dakota, remonstrating against the enactment of the so-called ship subsidy bill, which were ordered to lie on the table.

He also presented petitions of A. M. Thompson and 1 other, of Wildrose; O. J. Freeman and 2 others, of Esmond; Albert H. Westphal and 2 others, of Clyde; N. M. Marvel and 2 others, of Moffit; M. M. Frelland and 2 others, of Cummings; A. L. Ede and 2 others, of Courtenay; C. C. Jensen and 2 others, of Kenmare; Aug. Arvidson and 2 others, of Wimbledon; E. Buhrn and 1 other, of Wheatland, all in the State of North Dakota; and O. Coeuyt and 2 others, of Carbondale, Colo., praying for the enactment of legislation stabilizing the prices of wheat, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a resolution adopted by the fifty-fifth annual session, National Grange of the Patrons of Husbandry, at Wichita, Kans., favoring the passage of the so-called Capper-French truth in fabric bill, which was referred to the Committee on Interstate Commerce.

#### NAVAL APPROPRIATIONS.

Mr. POINDEXTER. I report back from the Committee on Appropriations with amendments the bill (H. R. 13374) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1924, and for other purposes, and I submit a report (No. 957) thereon.

Mr. WARREN. I desire to give notice that the bill just reported, the naval appropriation bill, will be brought up tomorrow morning immediately after the routine morning business.

The PRESIDENT pro tempore. Meanwhile the bill will be placed on the calendar.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 4218) for the relief of E. G. Crews; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 4219) to amend section 13 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. NORBECK (by request):

A bill (S. 4220) to provide credit facilities for the agricultural and live-stock industries of the United States, to amend the Federal farm loan act, to amend the Federal reserve act, and for other purposes; to the Committee on Banking and Currency.

#### CERTAIN FRENCH SPOILIATION CLAIMS.

Mr. PEPPER submitted an amendment intended to be proposed by him to the bill (S. 545) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, which was referred to the Committee on Claims and ordered to be printed.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The PRESIDENT pro tempore. The pending question is the motion of the Senator from Nebraska [Mr. NORRIS] to proceed to the consideration of the bill (S. 4050) to provide for the purchase and sale of farm products.

Mr. DIAL obtained the floor.

Mr. CALDER. Mr. President, I desire to take a little time of the Senate just at this hour so that I may speak on the shipping bill. I am compelled to leave the city at 3 o'clock and perhaps the Senator from South Carolina will accommodate me?

Mr. DIAL. I am glad to accommodate the Senator from New York, and I yield for that purpose.

Mr. FLETCHER. Mr. President, I think we ought to have a quorum present before the Senator from New York proceeds. I make the point of no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Glass	McLean	Simmons
Ball	Gooding	McNary	Smoot
Bayard	Hale	Moses	Spencer
Brandeggee	Harris	Nelson	Stanley
Brookhart	Harrison	New	Sutherland
Calder	Hefflin	Nicholson	Swanson
Cameron	Hitchcock	Norbeck	Townsend
Capper	Johnson	Norris	Trammell
Caraway	Jones, Wash.	Oddie	Underwood
Colt	Kellogg	Overman	Wadsworth
Culberson	Kendrick	Page	Walsh, Mass.
Cummins	Keyes	Pepper	Walsh, Mont.
Curtis	King	Phipps	Warren
Dial	Ladd	Poinexter	Watson
Dillingham	La Follette	Pomerene	Weller
Ernst	Lenroot	Reed, Mo.	Williams
Fernald	Lodge	Reed, Pa.	
Fletcher	McKellar	Robinson	
George	McKinley	Sheppard	

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present. The Senator from New York [Mr. CALDER] is entitled to the floor.

Mr. JONES of Washington. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington?

Mr. CALDER. I yield to the Senator.

Mr. JONES of Washington. I think it would be well for the information of Senators to state what I shall ask the Senate to do. When the Senator from New York [Mr. CALDER] and the Senator from South Carolina [Mr. DIAL] complete their addresses I shall move that the Senate go into executive session for the consideration of executive business, and then at the close of the day's business I shall move to adjourn until to-morrow at 12 o'clock.

Mr. LODGE. Mr. President, I desire at this time to ask unanimous consent that when the Senate adjourns on to-morrow, Friday, it be to meet on Tuesday next at 12 o'clock.

Mr. ROBINSON. Reserving the right to object, I ask the Senator from Massachusetts if it is the policy of the management of the Senate to limit the holiday season, so far as the Senate is concerned, from Saturday to Tuesday?

Mr. LODGE. We propose to limit it to three days.

Mr. ROBINSON. The purpose is to adjourn from Friday evening until Tuesday?

Mr. LODGE. It is.

Mr. ROBINSON. I respectfully suggest to the Senator from Massachusetts that that will deny all Senators, except those who live in adjoining States, an opportunity to return to their homes. It has been the custom for a great many years to recess or adjourn for at least a week or 10 days, and I suggest to the Senator from Massachusetts that it would suit the convenience of many Senators, whom I happen to have heard express themselves, to adjourn from to-morrow until the Tuesday following New Year's Day.

Mr. LODGE. That we can not do without the assent of the House. The House, I understand, is going to adjourn on Saturday until Wednesday. The House will not take a longer adjournment, and I think they are right. I think we ought not to take a protracted recess at this time. We hope to have the rural credits bill before the Senate next week, and I do not think it is proper to take a long recess at this season.

Mr. ROBINSON. I object to the request of the Senator from Massachusetts.

Mr. LODGE. At the proper time I shall make the motion, of course.

Mr. ROBINSON. Of course, the Senator can do that.

Mr. SIMMONS. May I ask the Senator from Massachusetts if it would not be better to provide for reassembling on Wednesday after the Christmas holiday?

Mr. LODGE. If the Senate prefers to take the adjournment from Saturday until Wednesday, as the House is going to do, I have no personal objection at all; but we can not adjourn for more than three days without the consent of the House.

Mr. SIMMONS. I understand that, but I assume that we could amend the House resolution and probably send it back to the House amended.

Mr. LODGE. The House is not going to send to us any resolution of adjournment. It is not required to send such a resolution. We can adjourn for three days, and that is all the House is going to do.

Mr. SIMMONS. I think it would be a great deal better to adjourn from Saturday until Wednesday than from Friday until Tuesday, for the reason that many of us who want to go home and spend Christmas with our families—for many Senators do not bring their families to Washington until after the holidays—would have to leave our homes during Christmas Day. Indeed, some would have to leave early in the morning on Christmas Day in order to get back here on Tuesday.

Mr. LODGE. I am perfectly willing to make the order to adjourn on Saturday until Wednesday if the Senate prefers it. That is what the House is going to do.

Mr. SIMMONS. The Senator understands I am not speaking for this side of the Chamber at all; I am only representing my own views about it. I say that so far as I am concerned, and I believe other Senators share in my view, I would a great deal rather that our adjournment should be from Saturday until Wednesday than from Friday until Tuesday.

Mr. LODGE. That will be perfectly agreeable to me. I have no objection to it at all.

Mr. NORRIS. Will the Senator from New York yield to me to make a suggestion?

Mr. CALDER. I yield to the Senator from Nebraska.

Mr. NORRIS. I have observed from what the Senator from Washington has stated that he expects to-day to move to adjourn instead of taking a recess. I presume all Senators realize what that move means. It means that the motion which is now pending which I have made to take up the bill which is stated in my motion will go by the board. An adjournment, as I understand, will have that result.

Mr. JONES of Washington. I am glad the Senator from Nebraska has mentioned that. I was talking about that awhile ago, and it was something I had overlooked. I am very willing to ask, and I now ask unanimous consent, Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington for that purpose?

Mr. CALDER. I do.

Mr. JONES of Washington. I ask unanimous consent that when the unfinished business is laid before the Senate to-morrow, or whenever it shall be laid before the Senate after our adjournment, that the motion of the Senator from Nebraska [Mr. NORRIS] be considered as pending. It was not my intention to displace the Senator's motion.

Mr. NORRIS. I am glad to hear the Senator from Washington say that.

Mr. JONES of Washington. Of course, the Senator from Nebraska could renew his motion, but I do not wish the motion to be put in the position of having been displaced.

Mr. NORRIS. I have had an understanding with the Senator from Washington in regard to there being a recess, and—

Mr. ROBINSON. May I inquire—

Mr. NORRIS. I desire to say, if the Senator from Arkansas will permit me, that I should be glad if we could vote on my motion now. I have not desired this delay from day to day; I should like to reach a vote and have a roll call and let that determine it. It is true that I could, as the Senator from Washington stated, renew my motion; it would be in order for me to do that; but if there is a plan on the part of those who are in control to sidetrack my motion in that way, they will be able to do it, because I shall not, perhaps, be able to get recognition; and I should have to get that in order to make the motion.

Mr. JONES of Washington. The Senator from Nebraska knows that I would not be a party to anything of that kind.

Mr. NORRIS. I do not think the Senator from Washington would.

Mr. JONES of Washington. So I submit the request for unanimous consent which I have stated.

Mr. ROBINSON. I call for the regular order.

Mr. CALDER. Mr. President—

Mr. NORRIS. May not the request for unanimous consent which has been made by the Senator from Washington [Mr. JONES] be submitted by the Chair?

The PRESIDENT pro tempore. The Secretary will state the request for unanimous consent.

The ASSISTANT SECRETARY. The Senator from Washington [Mr. JONES] asks unanimous consent that the following agreement may be entered into:

It is agreed by unanimous consent that when the unfinished business is laid before the Senate on Friday, December 22, or whenever it is laid before the Senate after adjournment to-day, the motion of the Senator from Nebraska [Mr. NORRIS] to take up the bill for the purchase and sale of farm products be considered as pending.



The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the agreement is entered into.

Mr. CALDER. Mr. President, the early history of American shipping reads almost like a romance. Before the Revolutionary War the Colonies, although subjects of another country, were carrying much of their overseas trade in vessels built and owned on this side of the Atlantic, and with the conclusion of the War for Independence and the establishment of a stable government here the new Republic possessed a merchant marine which was the envy of every maritime nation in the world.

Between 1790 and the second war with England, we developed this fleet of sailing craft until we carried 90 per cent of our overseas trade in vessels flying the American flag and our ships could be found in every port inhabited by civilized people. In the War of 1812 Great Britain practically drove our flag from the seas, but with the increasing need for our products abroad and with the subsequent enactment of tonnage and port-tax laws favorable to American merchant vessels, shipbuilders and operators were again encouraged to renew their calling with the result that the famous American clipper ships, trading between Europe, South America, Africa, Australia, and the United States, became renowned throughout the world. They were the largest of their kind and by far the swiftest. They carried the products of this country to every clime and returned to our shores with cargoes of silks, tea, and spices from China, coffee from Brazil, and the varied products of Europe.

The days of the American clipper ship that carried the flag and the products of this country to all parts of the world are gone. The men and women who read the story of the development of our merchant marine up to 1850 will be amazed at the fact that since the Civil War we have been practically unable to compete with the nations of Europe, particularly Great Britain. Although we built the first iron hull in this country, the decline of our shipping dates from the building of iron and steel ships and the introduction of steam power.

#### AMERICA TURNS FROM SHIPPING.

In the early days the United States ranged along the Atlantic seaboard; our forests grew down to the water's edge; a few hundred miles inland the country was occupied by uncivilized tribes, wild animals, and impassable forests, but as habitation trended westward, the discovery of coal, iron and copper, the advancement of commerce on the Great Lakes, the development of our wide agricultural areas, the introduction of steam and the building of railroads turned the minds of the men interested in the development of America from the sea to the opening up of the land west of the Alleghenies and later to the country beyond the Mississippi, which they soon found to be more profitable than the building or operating of shipping, and the men who had formerly followed the sea gave their attention to more lucrative undertakings because in doing so they found opportunities for education, higher wages, and better living conditions.

Great Britain, taking advantage of our neglect, never ceased in her struggle, not only for naval supremacy of the seas, but commercial leadership as well, and to-day we find our country with wealth untold and an area equal to that of all Europe, including the British Isles, without a well-balanced merchant marine, while England, step by step, day by day, month by month, year by year, has extended her commercial activities until now her ships carry her wares equal in value to that of all the maritime nations combined. The gradual westward trend of the world's affairs and the recent war have made it necessary for all nations to come to us to work out their great financial and business problems, but despite our banking and industrial strength the United States has made no real progress toward taking her rightful place in the maritime affairs of the world.

#### CREATION OF THE SHIPPING BOARD.

As a Member of the House of Representatives and the Senate, extending over a period of 18 years, I have voted many times for legislation dealing with the reestablishment of our merchant marine, and often it seemed as if our hopes in this direction were to be realized, but it was not until 1916 that a law creating the Shipping Board was finally enacted. This act gave the board authority to study and if possible develop an interest in American shipping. They were clothed with little authority, however, as I have indicated, but they did organize and were preparing to function when we became involved in the World War. Instantly Congress, realizing that we were without the necessary equipment to carry our men and supplies overseas, appropriated vast sums of money for the construction of vessels. Many of the Senators present will recall the speech of Balfour, England's representative,

in this very Chamber, when he urged us to build ships, more ships, and still more ships. But in other days we had neglected to make provision for the hour of war. Had we spent \$25,000,000 each year previous to the war for Government aid, encouraging the building and operation of American ships, we would not have faced the difficulties presented to us when we were called upon to aid in preserving the civilization of the world. In the selection of the first Shipping Board, the President unfortunately appointed men who lacked experience in large affairs. In the main they were without knowledge either in the construction or operation of vessels.

#### BUILDING OF WAR TONNAGE.

President Wilson's intentions, of course, were of the best, but inexcusable mistakes were made. We spent nearly \$3,000,000,000 in this ship construction program.

Previous to the signing of the armistice we had laid the keels—and these figures are very interesting—of approximately 5,000,000 dead-weight tons of steel ships; much of this, however, was only partially completed.

Since the armistice the keels of 5,500,000 dead-weight tons have been laid. If we had stopped the whole program immediately on the ending of the war, we would have undoubtedly saved at least one-half of all the money spent and would be in much better condition concerning our shipping program to-day.

Out of this vast sum nearly \$300,000,000 were used for the building of wooden ships. I recall distinctly in the earlier days of the war, at my invitation, Mr. Homer Ferguson, president of the Newport News Shipbuilding Co., and Mr. Joseph Powell, of the Bethlehem Co., were invited to appear before the Commerce Committee, of which I was a member. These two men, the best-equipped shipbuilders in this country, strongly advised against the building of wooden ships, but, despite their objections, we constructed all told 514 of these vessels. They were recently sold for a little over \$10,000,000; the last 200 of them, although costing \$500,000 each, were disposed of for less than \$20,000 each. In my judgment—and I want it recorded in the Record to-day—the men who are responsible for the building of these wooden ships are entitled to the condemnation of the American people. They committed one of the gravest errors of the war. The sum wasted in their building would have provided for sufficient Government aid to establish a merchant marine that would have been a credit and glory to the people of this country.

There are also many steel ships built by the Shipping Board at a cost of more than \$225 per ton which are now of very little value. In fact, Mr. President, I predict that at least one-half of the steel ships now the property of the Shipping Board will never be sold for more than \$10 per ton, and the Government would be saving money in the end by scrapping these absolutely worthless vessels. They may have had some value, of course, if the war had continued two or three years longer or if the sinking of other craft by the enemy had been great enough to require their use in carrying the Army and supplies overseas, but the character of their construction makes them almost worthless in competing with the larger and more economically operated vessels.

Mr. President, it is costing more to-day for skeleton crews and the up-keep of at least one-half of these steel ships built in war time than we shall ever realize for them.

#### THE PROBLEM OF DISPOSING OF WAR TONNAGE.

Surely the present Shipping Board inherited a task which seems to those of us who have studied the situation insurmountable. It is a mess indeed, and the Nation can not unravel this tangle unless a measure such as the one under consideration is enacted, and let it be known that the present administration has had no part whatever in bringing about the condition in which the country finds itself to-day in relation to this subject.

The other day—and my colleague will bear me out in this statement, because he has seen that fleet in the Hudson River very often—I had occasion to travel over the New York Central Railroad from New York to Albany, along the Hudson River, and in passing the cove at Stony Point I saw anchored over 100 steel ships, the property of the Shipping Board. They have been there for nearly two years. It would be an object lesson to the people of the Nation to observe them huddled together, smoke emanating occasionally from stacks, and guarded by a few men who are protecting the Government's property. It would not be fitting at this time if I should denounce the whole scheme of the Shipping Board's business since the war. Many men engaged in that work were actuated by the best motives, and while I should never accept an excuse for the building of wooden ships, the steel ships were undoubtedly constructed with the thought that they could be profitably utilized.



The board was wrong, however, in not stopping construction immediately after the armistice was signed. Great Britain stopped building at once and rearranged her plans so that she would no longer have any more of these obsolete and extravagantly operated vessels on hand. In the American shipyards, men who were barbers, tailors, shoemakers, and watchmakers to-day were building ships to-morrow and receiving two or three times the wages they were entitled to, and when the armistice came the Shipping Board was apparently afraid to cease employment abruptly, but it would have been infinitely better to have stopped the building at once. Had we done this we would have had at least 500 ships less and would have saved at least \$1,000,000,000 of the people's money.

During the years 1918 and 1919 Shipping Board officials toured the country, wrote magazine and newspaper articles, spoke publicly and talked via radio for the purpose of encouraging the men and women of America to invest their money in shipping projects. I recall many of these speeches and articles. Our citizens were urged to interest themselves in shipping. They were told it was their patriotic duty to organize shipping companies with which to carry the commerce of America. It was explained that the profits were certain and large. Tens of thousands of innocent people with small savings were so beguiled by these statements that they were induced to invest their savings in the stock of some quickly organized or fly-by-night steamship company.

I have in mind one company which succeeded in securing over 40,000 subscribers. This money was used to purchase vessels from the Shipping Board at prices exceeding \$200 per ton, and the board received from this concern something like \$2,000,000 on account of the purchase price of six vessels. Because this company failed to make good its obligations, the Shipping Board took over the vessels—and I have no complaint to make with regard to that, because they had a mortgage upon the vessels—they took over these vessels on which the people had paid \$2,000,000 down, and are now offering to sell these same ships for about one-eighth of the original price, the entire investment of the 40,000 subscribers being wiped out.

Mr. WADSWORTH. Mr. President, will my colleague yield?

Mr. CALDER. Yes.

Mr. WADSWORTH. Does the Senator happen to refer in the statement he has just made to the steamship company whose stock was sold almost entirely to American citizens of Polish descent?

Mr. CALDER. Yes; I refer to that.

Mr. WADSWORTH. I merely make this observation: I think that is one of the saddest experiences that any group of citizens have encountered in connection with any business undertaking.

Mr. CALDER. I am glad that my colleague has pointed out the company to which I refer.

Mr. President, as I indicated a moment ago, the Shipping Board officials toured the country, presented beautiful pictures of the future of American shipping, encouraged the organization of this shipping company and many other like companies, and sold these ships at war prices. Of course, some one should have known that these vessels would never hold up their price, and that the commerce of the world would shrink. Then, after getting 50 per cent of the purchase price, they took away the vessels—and I do not complain of that. The Shipping Board was bound to do that; but the thing I complain of is the attitude of the Shipping Board of that day, which really betrayed these people into losing their money.

Examination of the records will show that very few of the older and experienced shipping men of the country were induced to invest their money in the purchase of vessels built under the abnormal conditions of the war. Some of them are now, however, taking advantage of the low prices of to-day.

I repeat, Mr. President, that about one-half of the steel ships now owned and controlled by the Shipping Board have little or no value. These vessels should be sold at any price to any buyer. My own judgment is that no one will buy them, except perhaps some shipping interests in foreign lands, who may take them over at a nominal figure. I believe a market can be found for the better vessels of the Shipping Board at a fair price. They can be operated for the benefit of the American producer as well as American shipping interests. Government aid must be obtained to insure the sale of the better vessels; and I predict, Mr. President, that unless this or some similar measure is passed, we will dribble away these better vessels one by one, perhaps carry 20 per cent of our foreign trade for the next five or six years in American bottoms, but at the end of 10 or 15 years most of these ships will have disappeared from the sea and we will be back to where we were before the World War.

We can save and maintain what we have; we can assure the continuance of the operation of our merchant fleet, and the higher prices secured for the better vessels because of Government aid will help materially to meet the subsidy paid in the 15-year period.

#### THE COST OF OPERATING AMERICAN AND FOREIGN VESSELS.

The distinguished Senator from Florida [Mr. FLETCHER], as I recall his very able speech in opposition to this measure, stated that "the records show that we can operate American vessels as cheaply, or nearly as cheaply, in competition with Great Britain."

I have inquired into the subject and from every hand I have the assurance that foreign ships can to-day be operated at from 25 to 40 per cent less than American ships of like character. Their supplies are cheaper; upkeep is less; higher wages are paid by us and our seamen's act provides for better care of our men. I submit, Mr. President, a statement of the cost of operating several vessels of different flags:

The Swedish steamer *Italia*, 2,960 tons deadweight, cost \$107 per day for total operating costs including insurance.

Danish steamer *Jomsborg*, 3,069 tons deadweight, cost \$80 per day to operate including all costs.

American steamer *Commercial Scout*, 2,200 tons deadweight, cost \$131.26 per day to operate. I am unable to break down the foreign costs, but the *Commercial Scout's* costs are made up as follows:

Crew's wages	\$63.24
Insurance	19.07
Stores	22.00
Repairs	12.00
Subsistence	14.95
Total	131.26

Swedish steamer *Graecia*, 5,200 tons deadweight, cost of operation \$160 per day.

Danish steamer *Albistan*, 5,500 tons deadweight, \$140 per day total cost.

American steamer *Honolulu*, 8,080 tons deadweight, cost per day \$232.25.

American steamer *Delco*, 5,100 tons deadweight, operating cost \$190.26.

Mr. FLETCHER. Mr. President, may I interrupt the Senator there to inquire whether the vessels he has just mentioned are all operating under the same power—that is to say, whether they are all coal burners or all oil burners, or some coal burners and some oil burners? There is a difference in the cost of operation.

Mr. CALDER. These vessels are all coal burners.

Mr. President, I have here some interesting figures, and I should like the attention of the Senator from Florida to them. They are the most striking figures of Government operation of vessels that I have yet come across. This is the line of which Mr. Rosbottom is the president and manager, which includes the *George Washington*, the *America*, and others. These are nearly all of them ex-German vessels, and they are being operated in the north Atlantic trade, in competition with the vessels of other countries, by the United States Government Shipping Board under the name "United States Lines." In these figures no allowance is made for depreciation, insurance, or interest on the investment, which would increase the cost on every one of these vessels by at least \$30,000 per month. In other words, the loss on the steamship *President Polk*, which the United States Lines reports as \$47,615.66, should be at least \$77,615.66 if you include insurance, depreciation, and interest upon investment.

Mr. WADSWORTH. What is the period of time?

Mr. CALDER. The period is one trip from New York to Bremen and return. I simply list these vessels.

Steamship *President Polk*, voyage New York to London, November 9–December 15, 1921. Loss \$47,615.66.

Steamship *President Van Buren*, New York to London, November 2–December 7, 1921. Loss \$34,106.54.

Steamship *President Adams*, same voyage, October 25–November 29, 1921. Loss \$34,563.25.

Steamship *President Monroe*, same voyage, October 19–November 23, 1921. Loss \$37,755.46.

Steamship *President Garfield*, same voyage, October 12–November 16, 1921. Loss \$28,062.85.

Steamship *President Polk*, same voyage, October 5–November 9, 1921. Loss \$34,717.82.

Steamship *President Van Buren*, same voyage, September 28–November 1, 1921. Loss \$31,048.56.

Steamship *President Adams*, same voyage, September 27–October 26, 1921. Loss \$18,826.37.



Steamship *President Monroe*, same voyage, September 13–October 18, 1921. Loss \$26,527.53.

Steamship *President Garfield*, same voyage, September 13–October 12, 1921. Loss \$23,332.11.

Steamship *President Polk*, same voyage, September 1–October 5, 1921. Loss \$20,717.

Steamship *President Adams*, same voyage, August 16–September 20, 1921. Profit \$2,744.90.

Steamship *President Van Buren*, same voyage, August 23–September 27, 1921. Loss \$25,202.41.

Steamship *President Monroe*, same voyage, August 14–September 14, 1921. Loss \$11,673.98.

Steamship *President Garfield*, same voyage, August 2–September 6, 1921. Loss \$12,311.16.

Steamship *President Roosevelt*, on her round voyage between New York and Bremen, Germany, began July 29, ended September 5, showed a revenue of \$33,191.49. This vessel received for carrying United States mail \$29,955, which amount is also equal to her total net income and is included therein.

Steamship *President Harding*, same voyage, from August 8 to September 12. Net revenue \$19,258.06. Received for carrying United States mail \$22,220.

Steamship *President Fillmore*, same voyage, August 22 to September 26. Net loss \$18,371.06, including mail revenue of \$5,945.

Steamship *America*, same voyage, September 2 to October 3. Net revenue \$9,137.57, including mail revenue of \$14,440.

Steamship *President Arthur*, same voyage, September 6 to October 9. Net loss \$21,959.13.

Steamship *Susquehanna*, same voyage, August 28 to October 9. Net loss \$40,181.46, with mail revenue of \$3,545.

Steamship *President Roosevelt*, same voyage, September 6 to October 9. Net revenue \$8,527.77, including \$22,260 for mail.

Steamship *President Harding*, same voyage, September 9 to October 16. Net loss \$6,229.18, including mail revenue \$16,650.

Steamship *George Washington*, same voyage, September 13 to October 24. Net revenue \$95,920.13, including \$22,685 mail.

Steamship *President Fillmore*, same voyage, September 28 to November 1. Net loss \$23,228.86, with mail revenue \$5,970.

Steamship *America*, same voyage, October 4 to November 8. Net revenue of \$22,425, with a mail revenue of \$16,175.

Steamship *President Roosevelt*, same voyage, October 12 to November 15. Net loss \$14,559.65, with mail revenue of \$22,180.

Steamship *President Harding*, same voyage, October 18 to November 22. Net loss \$15,754.22, with mail revenue of \$35,300.

Steamship *George Washington*, same voyage, October 24 to November 27. Net revenue \$376.10, with a mail revenue of \$18,165.

Steamship *President Fillmore*, same voyage, November 1 to December 6. Net loss \$28,397, with a mail revenue of \$12,920.

Steamship *America*, same voyage, November 8 to December 12. Net revenue \$2,528.32, with a mail revenue of \$31,435.

Steamship *President Arthur*, voyage between New York and Dantzic, August 1 to September 6. Net loss \$11,178.16.

Steamship *President Arthur*, same voyage, October 9 to November 18. Net loss \$51,729.07.

In all of these figures where I have noted the mail revenue, attention is called to the fact that this was included in computing the net result of the voyage and is not an additional revenue.

Your attention is further invited to the fact that out of all the voyages listed, only one would have shown an actual net revenue had the vessel been compelled to pay insurance, depreciation, and capital charges. That voyage is the one of the *George Washington*, which showed a net revenue of \$95,000; but if we take from that the interest upon the capital investment, insurance, and depreciation there is only a very small net profit upon the whole transaction.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. CALDER. I yield.

Mr. FLETCHER. I would like to quote from Mr. Rossbottom's testimony before the Committee on Merchant Marine and Fisheries of the House and the Commerce Committee of the Senate, sitting together in the hearings on this very bill. At page 362 he said:

In voyage No. 2 of the *George Washington* my net operating revenue was \$237,638; on voyage No. 3 it was \$124,000; on voyage No. 4 it was \$148,000.

That was the net revenue. Then, I call the Senator's attention to page 363 of these hearings, where there is a tentative statement of revenue and expenses of the United States Lines by services and by vessels for four months ending December 31, 1921, showing a total net operating revenue of \$535,259.43.

I admit this does not include insurance, depreciation, or repairs made by the United States Shipping Board, but the statement does include all expenses incurred by the United States Lines; also coal, oil, and advertising paid by the United States Shipping Board as well as office rent and wharfage billed by the United States Shipping Board. I submit that the testimony of Mr. Rossbottom does not at all bear out what the Senator has said.

Mr. CALDER. Mr. President, I read the testimony to which the Senator has referred when I was preparing this statement. But the figures I have quoted are from the records of the United States Lines and can be authenticated in the office of the Shipping Board here.

On only one trip of the *Roosevelt*, and several trips of the *George Washington*, and on two trips of the *America* was there an actual net profit to the Government, and, as the Senator has indicated, on no one of those trips did the profit reported include interest upon the investment, insurance, or depreciation. These statements are from the records of the United States Lines, and, with the exception of these four vessels I have noted, on practically every trip made by these Government-operated vessels there was a loss shown.

Wages on ships form about 10 to 15 per cent of the daily cost of operation. However, there can be no thought of further economizing along this line. Seamen are being paid from \$45 to \$60 a month and firemen from \$50 to \$65 a month. These wages must be increased if we are to attract competent Americans to the sea. This fact must be obvious when you consider ordinary laborers in New York—that is, foreigners who can scarcely speak a word of English—are receiving \$5 a day. The surprising thing is that we get anyone to go to sea at all, and, as a matter of fact, we are now experiencing considerable difficulty in getting full crews.

SHALL GOVERNMENT AID BE GIVEN TO COMPANIES OPERATING AMERICAN AND FOREIGN SHIPS.

I shall be glad to refer for a few moments to section 409 of the pending measure. Under the terms of the bill, as passed by the House, provision is made that no shipping company, owner, or agent for foreign-flag vessels shall receive any benefit for their American ships unless within three years at least 75 per cent of the vessels owned and operated, chartered, or acting as agent for are under the American flag. This provision was changed in the Committee on Commerce to 50 per cent.

The distinguished senator from Wisconsin [Mr. LA FOLLETTE] in his speech on the bill in the Senate the other day, criticized the committee for making this change, and stated that it was done in the interests of the International Mercantile Marine Co. It was on my motion that the change was made in the committee. I offered the proposal because I was anxious to induce well-organized shipping companies in the United States, who are operating American and foreign tonnage to gradually dispose of their foreign vessels and engage in business with American ships. I am informed that several companies would be affected by this; I do know that it would particularly affect the International Mercantile Marine Co. This company, 95 per cent of whose stock is owned by Americans, has been engaged for a number of years in trans-Atlantic business. I am informed that to-day approximately 85 per cent of the vessels operated by this company are of foreign registry, including British and Belgian, but in the main British. If the House provision prevails, it is almost certain that no effort will be made by the company to increase its American tonnage sufficiently to comply with the bill, because it is almost physically impossible to do so. If the Senate proposal is agreed to, I am reliably informed that this company will either make an effort to dispose of part of its foreign tonnage and begin the purchase of American vessels or construct in American yards ships for their overseas trade. And, so, this Senate amendment will materially aid American shipping; American vessels will ply across the Atlantic, flying the American flag, carrying American products, and in the end be available to the United States in case of an emergency.

UNDER THE AMERICAN FLAG.

I hold no brief for the International Mercantile Marine, but in all fairness it seems to me just that the country should know that this is the one concern, who, during the past 25 years, has maintained an American express passenger service across the North Atlantic; in fact, until very recently, it has been the only company that has sailed American vessels in the passenger service in that route, and it is also an interesting fact that it was the one concern, who, after the war, came forward and made a substantial offer to purchase and recondition at their own expense the ex-German passenger ships,



with the understanding that they would be operated by this company under the American flag in the Atlantic trades.

I recall distinctly the discussion on this question in January, 1919. Senators will remember that Mr. P. A. S. Franklin, president of this company, made a public bid for all of the ex-German ships. One of his bids was to purchase 30 of them for the lump sum of \$28,500,000; in another bid he offered to purchase 17 of the 30 mentioned at prices aggregating \$21,576,000; and another to purchase 17 for \$23,000,000. He agreed to pay 25 per cent in cash upon delivery of the ships, recondition them at the entire expense of his company, which, if we are to judge from the cost of reconditioning the *Leviathan*, would have meant an additional expense to the International Mercantile Marine of from 50 to 75 millions. In this connection it is interesting to note that this bill contains a provision that the *Leviathan*, one of the vessels for which Mr. Franklin bid \$4,000,000, can not be sold for less than the reconditioning costs.

If the International Mercantile Marine had not been interfered with this ship would have been in the North Atlantic trade to-day flying the American flag; and we would have had \$9,000,000 in the Treasury of the United States, the cost of reconditioning the vessel and the \$4,000,000 additional which Mr. Franklin bid for her, so that to-day we would have had all of these vessels operating under the American flag which Mr. Franklin offered to purchase, together with the \$28,000,000 he offered for them and the great cost of reconditioning the vessels. In other words, we would have had in operation a fleet of American-flag ships and many millions in pocket. I point out these facts to demonstrate to what great advantage it will be to the United States if we but encourage men who know the shipping business, who understand its problems, who have worked at them for a quarter of a century, and who have the courage and resources to go into the business on a large scale.

I have pointed out the tremendous losses we are incurring to-day in our attempt to operate American ships in the North Atlantic business. As I have already noted, in a single round trip of one ship under Government operation we are often compelled to pay out \$40,000 in losses.

The Senator from Wisconsin in his statement called attention to the fact that this company, the International Mercantile Marine, has under its control a large amount of British tonnage. This is true. But, it is also a fact and a matter of record that early in 1918, the International Mercantile Marine had practically consummated a deal with a British syndicate to dispose of all of their British flag tonnage when the President of the United States, on November 18, 1918, wrote to Mr. Franklin requesting him not to conclude the transaction. The letter from the President is as follows:

WHITE HOUSE,  
November 18, 1918.

MY DEAR MR. FRANKLIN: With regard to the sale to the British Government of the International Mercantile Marine, may I not request that no action be taken in the matter until the views of this Government are fully presented and considered?

Sincerely yours,

(Signed) WOODROW WILSON.

Later the President, through the Shipping Board, definitely requested that the negotiations with the British syndicate be stopped, and the Government offered to buy this tonnage from the International Mercantile Marine—its offer was accepted and the ships were sold to the United States Government. After numerous delays in carrying out the terms of the sale, and without offering any reason, the Government withdrew from its share of the bargain and left the ships with this company. Instead of their being criticized for ownership of this tonnage, it seems to me that they have been dealt with very unfairly by the Government and should be the subject of sympathy rather than harsh criticism.

Let me read a letter dated April 1, 1919, addressed to Mr. Franklin and signed by R. B. Stevens, vice president of the Shipping Board, stating that the Shipping Board was no longer interested in the purchase of these vessels, and expressing appreciation of the spirit in which the company had worked with the American Government.

APRIL 1, 1919.

MR. P. A. S. FRANKLIN,  
President, International Mercantile Marine Co.,  
9 Broadway, New York City.

DEAR MR. FRANKLIN: In answer to your letter of the 25th of March, you are informed that national reasons no longer make it compatible with the interests of the United States to consider further the possible acquisition of the ownership of your British tonnage, and that accordingly you are free, so far as the interests of this Government are concerned, to dispose of such tonnage to the British syndicate or otherwise as your company may consider desirable.

This Government is fully appreciative of the patriotic and considerate spirit in which your company has responded to the previous communication of the Government in connection with this matter.

Very truly yours,

(Signed) R. B. STEVENS, Vice President.

I am sure that an examination of the records will demonstrate that this is the only company in the United States which has attempted to acquire a large fleet of American-flag passenger ships, and particularly, to purchase those owned by the Shipping Board which have been the subject of so much trouble for the last three years. If they had succeeded in purchasing the ex-German tonnage, we would have had for the past year and a half a large passenger fleet which the American people would have been proud of, instead of the makeshift which we are now putting up with.

I feel that this company should be encouraged, and this bill should be drawn to induce them to acquire additional American tonnage rather than to discourage and exclude them. Every additional American ship which is built and operated by that company constituted a gain to the American merchant marine, regardless of what other ships they may have.

The thing the American merchant marine needs to-day, more than anything else, is not ships, but it is the active participation in the business of men who know how to operate ships successfully. We can not do this all in a day; we must build slowly; we need every single man and every organization in the United States to help do this work. There are to-day innumerable American concerns in the United States who have been acting for many years as agents for British and other foreign ships. Why? Because there were no American ships.

These men are experts, and it is this class of men that we should encourage to operate American ships.

I am of the opinion that the 75 per cent clause in the bill should have been omitted entirely and I believe an American company, operating one American ship, even if it operated 100 foreign flag ships, should have Government aid for that one ship, and the Government should be only too glad to induce that company to operate that one American ship.

Under the terms of the bill as it passed the House, they will not do so because it will mean that they must give up their existing foreign connections, which means the giving up of a going business on the gamble that the American ships will succeed. On the other hand, if they would acquire first one American flag ship, operate it and find that with the help of the subsidy they are able to make a profit, this would encourage them to purchase another one, and so on until their operations were largely American. Their income from acting as agents of foreign ships has permitted them to build up a business under the American flag. This is the logical way for the transition to take place and for our merchant marine to grow.

#### THE NECESSITY OF GOVERNMENT AID.

From every point of view I am convinced that there is no possibility of our maintaining an ocean-going fleet to carry American products overseas without the assistance of the Government. I am a strong believer in a protective tariff. Protection is levied for the purpose of making up the difference in the cost of production at home and abroad. Our Democratic friends, in the enactment of tariff legislation, provide for the levying of a duty so as to give a limited protection. Our party believes in a higher tariff, and on this same theory we come to the Senate and insist that we are powerless, as a nation, to operate in competition with foreign nations, unless we encourage this business by Government assistance, in exactly the same manner as levying a tax upon imports for the purpose of equalizing the costs of production.

During all of my service in Congress the Democratic party has constantly opposed legislation of this character. They have defeated numerous attempts to establish and maintain an American merchant marine. I know that the Senator from Alabama [Mr. UNDERWOOD] sought to encourage American shipping in the tariff law of 1913, and his own administration under President Wilson refused to put into effect the very helpful provision that he inserted in that measure. Here is a counterproposal in this bill for direct Government aid, and we find almost unanimous opposition on the other side, and to my regret a number of Senators on this side who live away from the seaports and whose people are apparently satisfied to ship their products in foreign vessels.

We can not blame men for purchasing things where they can be obtained the cheapest; we can talk of patriotism all we will; we can argue that people should send their products abroad in American ships, but they will not do so whether they live in Topeka or Boston, in Little Rock or New York, if they can ship in foreign vessels for less money. It is human nature and common sense to buy where we can get the lowest prices.

Senators on the other side and some of my Republican brethren lose sight of the ultimate advantage to their country. We have spent three billion dollars, at least two billions of which was thrown away, because of our short-sighted policy of the past 50 years. The interest on that wasted \$2,000,000,000



alone would have supplied much more than the needed Government aid for years to come, and to-day we find Senators with lack of vision on this great important American question who will plunge their country into the same condition which confronted us prior to 1917; and when war comes again, as it will some day, if we fail to give Government aid to encourage the maintenance of our merchant marine, we may not have Great Britain to carry our men overseas the next time. She may be on the other side and we will be helpless. Mr. President, I feel very strongly on this subject from the standpoint of the future needs of my country.

I live in the great seaport of the nation. I have stood on the shore driveway in my native Brooklyn, overlooking the Narrows, through which pass majestically in and out of the harbor the great commercial ships of the world. In other days I observed the wonderful development of German commerce. I have seen Great Britain vying with Germany, struggling against the efforts of this Central European power to surpass Great Britain in character, size, and speed of her merchant ships. France, Italy, and even little Norway in the days before the war excelled America, and I then find Senators here who have had no intimate knowledge of these things, who have never seen them, and who have no contact touch with these conditions fighting against the best interests of their country. The opportunity is here and I am wondering whether or not we will permit it to pass. Shall we have a smaller merchant fleet than Norway or shall we equal the greatest in the world?

#### THE VALUE OF A MERCHANT MARINE AS A NAVAL AUXILIARY.

We have been discussing of late the question of naval armament. As I recall it, some reference was made the other day to the conference of last winter, when we arranged with Great Britain and Japan a 5-5-3 naval policy, when Great Britain for the first time in her history agreed that another country should have a navy as large as hers. I have always felt that she was confident that the chances of war with the United States were remote indeed, and I, too, believe we are less likely to quarrel with her than with any other nation. She is our neighbor on the north; our race largely springs from the Anglo-Saxon; we speak the same language; our first settlers came from the British Isles; but when Great Britain made this agreement at the recent conference she had something back of it which the American public did not know about, but we know now that it was her great second line of defense. I took the trouble recently to make inquiry about the number of steel ships over 10,000 tons operating in American, British, and Japanese commerce to-day. It is as follows:

#### Great Britain has ships of—

27 knots	1
26 knots	1
24 knots	1
23 knots	2
21 knots	2
20 knots	1
19 knots	1
18 knots	22
17 knots	40
16 knots	47
15 knots	76
Total	194

#### United States has ships of—

25 knots	1
23 knots	1
22 knots	2
19 knots	1
18 knots	2
17 knots	19
16 knots	9
15 knots	15
Total	50

#### Japan has ships of—

19 knots	1
17 knots	5
16 knots	2
15 knots	15
Total	23

Great Britain to-day possesses 194 steel seagoing merchant ships whose speed exceeds 15 knots per hour; United States possesses 50 of the same type, while Japan has 23. In making this summary, I have excluded vessels 25 years of age and over. These figures indicate that Great Britain has four times as many vessels of this character as the United States, and if, in a sea fight, we should lose all of our Navy and Great Britain should lose all of hers, she would still have this second line of defense, which, properly armed, could ravish the seas and drive from the ocean every vessel possessed by the nation with whom she was at war. Surely as an aid to the Government in case of an emergency the expenditure of \$30,000,000 a year would be an investment entirely justified by the circumstances.

This \$30,000,000 would not even pay for the building of one modern battleship, while if expended as a subsidy we would have a tonnage valuable in war, constantly earning its way, and carrying our products in times of peace.

#### THE VALUE OF A MERCHANT MARINE TO PRODUCERS.

The upbuilding of a merchant marine has been advocated by the Republican Party since its organization. While the Democrats have talked of it in their platforms, they have done nothing to materially aid it. We hear constant reference to the shipping trust. There is no shipping trust, because to-day there is no large investment in American shipping, except in cases like the Standard Oil, the United States Steel Corporation, and the United Fruit Co., who utilize their vessels entirely for carrying their own products. In the case of the Standard Oil Co. there is no shipping company equipped to handle their business. This company is thereby enabled to build good ships, pay their men good wages, and carry their own products at a profit. The same is true of the Steel Corporation and the United Fruit Co., and under the proposed bill the shipping companies carrying their own products exclusively are not permitted to receive a subsidy from the Government. I am thinking of the general advantage to the Nation, to the farmers of Kansas and Iowa, the cotton growers of the South, the lumber interests of the Northwest, and the manufacturers of the East.

We have just passed a protective tariff law which gives the American producer a better opportunity in his own market. The passage of that bill will not seriously affect our foreign trade. Under it, the American worker will be earning better wages; he will be steadily employed; he will be able to buy more of our own goods; and he will buy more of the things that come from abroad, such as tea, coffee, sugar, and other commodities not produced here. While America is busy and her workers employed at good wages our imports increase. Statistics prove that our foreign trade has always increased when we were operating under a protective tariff. This trade has always been good when Americans were busy and prosperous.

Last year the Shipping Board sent one of its officials to Buenos Aires to take charge of its office there and attempt to develop the Shipping Board's business. When this official arrived he found that our representative in that country was a gentleman of German extraction, who, although acting for us, had little or no interest in the development of our business. Our representative was in constant difficulty from the moment he arrived, in an effort to present to the people of the Argentine the advantages of trading with this country. Buenos Aires and Argentine business firms are organized for British and German trade, and we can not hope to achieve any great business standing there without American agencies or without American ships going to and from their ports to our own.

South America has been thinking for years in terms of German and British business, largely because Great Britain and Germany have operated vessels directly from South American ports to Europe. Until recently when the Shipping Board established a direct line of steamers from New York to leading South American ports, it was the practice of South Americans intending to come to the United States to reach our shores via Europe, very few coming direct to America. They did this because the European vessels were better and conditions of sailing more favorable and when they arrived in London, Paris, Berlin, or Barcelona, they naturally traded there. If this bill fails to pass how long does any Senator believe we will continue the operation of the Shipping Board Line to South America? I do not know what it is costing the Government to operate this line, but I venture to state that it is taking several million dollars out of the Treasury annually. Now if this bill passed it will encourage some shipping company to purchase these ships, and the subsidy will be much less than it costs the Government to operate the line to-day. Shipping Board vessels are being operated by private concerns at a direct loss to the Government at almost every point to an extent that almost warrants their ceasing operations.

I can not understand how Senators bring themselves to believe that the subsidy is a raid upon the Treasury. I am not speaking to-day as a Senator from New York. I am trying to look at the subject with the viewpoint of the entire country. As I stated before, New York City is the center of activity of the civilized world and we are the great market place of America. New York belongs to the Nation. There is no city in all the world which belongs so completely to the entire country as does New York, with its Wall Street, its Fifth Avenue, its wonderful Hudson River front, its tremendous industries, its great shipping interests, its imports and exports. These are all yours. Through our gates passes the trade of the world.



I repeat, our exports are yours; you send them to us to ship abroad for you. Our imports are yours. You complain at times of the great deposits in our banks, but the small bankers all over the country send these deposits to us because of the interest we are able to pay and the fact that we take care of them when they need help. Your farmers send their products to us because they believe ours is the best market; your manufacturers ship their goods to us because we are able to dispose of them. These great tasks which confront us every day convince us that it is to your best interest, as much as for our own, to pass this bill. We are confident the enactment of this measure will tend immeasurably to help every State in the Union, every single city, town, village, and farm.

Government aid would help shipbuilding and all its allied industries; would give employment to tens of thousands of men. The construction of a ship calls upon every State in the country. We must have steel from Minnesota, copper from the Rocky Mountain States, lumber from the South and the great Northwest, coal with which to operate the vessel, if she is a coal burner, from Pennsylvania or West Virginia, and oil from Oklahoma or Texas. The men who build the ships must be clothed; they must be fed; they must be housed, and the food, housing material, and clothing come from every little hamlet and farm in this broad land. Of what interest is it to the American farmer or worker or miner if these ships are built in England or Germany; if they are operated by English, German, Scandinavian or Japanese crews? There are so many elements from every standpoint that enter into this whole subject that the small amount of Government aid contributed to build and operate these vessels is insignificant when one comes to consider the great advantages that will flow to all of our people when built and operated by Americans.

#### PUBLIC SCHOOLS OF THE DISTRICT.

Mr. CAPPER. Mr. President, I present a resolution in the nature of a petition adopted by the Brightwood Parent-Teachers' Association of the District of Columbia asking for more school buildings and better school facilities. For the reason that the resolution is typical of other resolutions which during the last year I, as chairman of the subcommittee on education of the Senate District Committee, have received from more than 100 civic associations, I ask that the resolution may be printed as a part of the few remarks I desire to make on this subject.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Without objection, the petition will be received and printed as a part of the Senator's remarks.

The petition is as follows:

#### Resolutions of Brightwood Parent-Teachers' Association.

Whereas the educational facilities for the children of the District of Columbia are decidedly inadequate to meet existing needs, in that there are insufficient school buildings or playgrounds to accommodate the present enrollment; and

Whereas salaries are too low to encourage properly qualified persons to enter the teaching profession or to secure and hold the most capable teachers in the schools of this District; Therefore be it

Resolved, (1) That the Brightwood Parent-Teachers' Association urge upon Congress the necessity of appropriating sufficient money for the construction of new buildings and extensions to provide a seat for every child of school age in the District of Columbia for full time throughout the school year, also for the purchase of sites at once for the location of new schools which clearly will be needed within the next few years.

(2) That we indorse the very reasonable estimates submitted by the Board of Education for the fiscal year 1924 and recommend the restoration of the items stricken from the estimates as finally submitted to Congress.

(3) That we call upon Congress to give careful consideration to the present and future needs for school facilities in the District of Columbia with a view to abandoning unsuitable buildings and to providing suitable and sufficient schoolrooms and playgrounds for the proper education of our children in this District.

(4) That we wholeheartedly indorse the pending teachers' salary and school reorganization bill, known as S. 3136 and H. R. 10390, which has recently passed the Senate; also the compulsory attendance and school census bill, known as S. 2040 and H. R. 72; and the free textbooks and educational supplies bill, known as S. 2860 and H. R. 9543.

Mr. CAPPER. Mr. President, as chairman of the subcommittee on education of the Senate District Committee, I have had an opportunity in the last year to acquaint myself with conditions in this city. I do not hesitate to say that the school situation here is a disgrace to the National Capital. One-third of the 154 school buildings in Washington are ramshackle testimony to the inefficiency of the Congress that designates the kind of public schools for the city. A large proportion of these buildings are so poorly adapted for school purposes that it is a travesty upon childhood to continue them in use. Congress has repeatedly appointed commissions to make educational surveys in the District of Columbia, and as often has failed to act upon their recommendations. In 1908, for instance, a commission recommended that 10 buildings be

abandoned. But apparently with the same viewpoint as it has at present, Congress proceeded assiduously to forget the recommendations and these 10 buildings are still in use. That was 14 years ago, and meanwhile the number of buildings which should be abandoned has increased to at least twice that number.

The mention of playgrounds to the average parent in Washington provokes a smile. Playgrounds are so few and so small that it is a misuse of the word to call them such. Virtually all of the schools are without electric lights, and only 13 out of the entire system have assembly halls. Many of the buildings have been in use for nearly half a century, yet even with this dilapidated equipment it is necessary to use 78 portable schools. Over 3,000 children right here in the Capital of the Nation are receiving their education in these portable schools, buildings which are inferior even to the schools found in the mountainous sections and the thinly settled States of the West.

Twenty-seven rented buildings, including the back room of a colored church and several second-story apartments, are being used for school purposes. At the end of last fiscal year there were approximately 490 oversize classes in the school system. Doctor Ballou, superintendent of schools, has informed me that in spite of the new classrooms which have been opened, this number has grown larger since the opening of school this fall, another instance of shortsightedness on the part of Congress. Our subcommittee on schools finds in Washington to-day more than 7,000 children receiving three and a half hours of instruction instead of the average five hours that is provided in all adequately financed school systems. Children are forced to be at school at half past 8 in the mornings and are sent home at 12 o'clock in order to make room for new groups which come at 1 o'clock. This latter group, even with three and a half hours' instruction, does not get out until 4.30, or just in time to get home before dark. I am told by the school officials that under present conditions the 70,000 school children are receiving only 60 per cent of a normal public-school education.

Mr. President, these statistics mean nothing unless the Members of Congress are sufficiently interested to visualize the conditions which they describe. But whether or not the Senate is interested, these are testimonials of disgrace; and the Members of Congress can not escape the disgrace.

In the high schools, conditions are even worse. There are 4,000 more students in the high schools than the buildings can adequately accommodate. This city has one of the highest percentages in the country for high-school attendance. It is an admirable tribute to the quality of teaching. But instead of encouraging this spirit Congress has withheld the material support which it justly deserves.

Mr. President, Congress has failed miserably in supplying even the physical basis for a healthy and vigorous educational system. And when I say Congress, I do not mean to shift the responsibility to an abstraction; I mean the Members of this body and of the House of Representatives. Congress has been generous only with expressions of good intentions. We hear much talk of "a model school system for the Capital of the Nation." It is a beautiful phrase. It is a phrase which the Members of Congress are accustomed to use in placating the parents of Washington who come to us asking for better schools for their children.

This situation is not new to the Members of the Congress. I am sure that they have seen the articles which appear daily in every Washington newspaper, setting forth the run-down conditions of the schools, but apparently we are not awake to the acuteness of the problem. Certainly the meager legislative results justify the belief that Congress has lost interest in this great city which is forced to depend upon us for its government. The citizens of the National Capital are too often justified in feeling that Congress has adopted the blind and arbitrary policy of granting only those things which they are forced to grant, and even then of cutting appropriations to a degree that renders effective carrying out of school legislation impossible. The inadequate school buildings and the prevailing salary schedule is a splendid example of what I mean.

Mr. President, the responsibility for the government of the District of Columbia is on Congress. As long as that is true it is the duty of the Members of Congress to acquaint themselves with the needs of this city and to meet them in an intelligent way. Certainly there can be no good reason for the Members failing to keep themselves informed at least as to the progress of education, the most important of the activities over which Congress has control.

But the disgraceful condition of the schools of Washington does not show, and has not shown for a decade, evidence of such attention by Congress. I am glad to say there is no evidence of inefficiency on the part of those charged directly with school administration, but through the failure of Congress to



grasp a large perspective for the educational system, and to use common judgment in providing for normal expansion, we find here a broken vehicle for the training of 70,000 children. It is a condition that Congress can not defend from any standpoint.

Recently this branch of Congress passed the two bills known as the teachers' salary bill and the compulsory education bill. To those members of the Senate who have familiarized themselves with the scale of pay now in force for teachers in Washington schools the need for an increase does not have to be explained. It is recognized that the very life of the school system depends upon it. The importance of the compulsory education bill must be apparent to the most elemental student of the public educational system.

The passage of these two bills is the first step toward placing the schools of Washington on a plane with the public schools of other American cities, but under no circumstances should the members of this body consider that they have disposed of the District of Columbia school problem by the approval of these two important pieces of legislation. It is not untimely to warn the Senate against such a view. Because, in my opinion, the present decrepit condition of the Washington educational system is due largely to the habit of Congress lapsing into a state of inaction as far as Washington is concerned.

The needs of this school system can not be met by piecemeal legislation. The Senate can not discharge its duty by the intermittent passage of bills. Nothing less than a constructive program of school legislation, taking into consideration the normal growth of the city and making up for the past neglect of Congress, can meet the need in a practical way. These bills we have passed are part of a program our committee believes is essential to a proper upbuilding of the public-school system in Washington. And it is my opinion that the Senate and House of Representatives must act upon this program in full or assume complete responsibility for the breakdown of public education in Washington.

Mr. President, let me make one point plain. If the Members of Congress are to talk school improvement, they have got to talk money. And unless they are willing to talk money their fine phrases are empty utterances. Instead of saying "a model school system for Washington," are we ready to vote for a \$10,000,000 school appropriation? If not, then it seems to me we have little right to indulge in school talk which relates to the District of Columbia. Efficient administration can carry the educational system so far, but it can not supply the foundation for development. And it must be realized that it will take a larger amount than has ever been voted before. I think the amount recommended by the Budget commissioner is entirely too low.

If this brings us in conflict with the policy of reducing expenditures, I would remind you that to save money by sacrificing young minds is not economy. I am aware that it is the boast of many of the Members of Congress that they keep a watchful eye on expenditures. And in so far as it is compatible with good sense I am in hearty sympathy with the curtailing of appropriations. But to cut the school budget of the National Capital at this critical time, to crowd 70,000 children into buildings meant for 50,000, and then to provide only 60 per cent of an average public-school education, is a very great blunder. Do not overlook the fact, either, that the taxpayers here pay 60 per cent of the cost of their schools and are now pleading for the right to spend more of their own money for educational purposes.

Mr. President, Congress is not in any sense meeting its obligation to the city of Washington. The District of Columbia is, perhaps, the most arbitrarily governed area in the United States. The indifference and the lack of intelligent consideration which the people of the District of Columbia have to meet in their governing body is almost sufficient cause for them to gather in force and march on Congress. The citizens of Washington have a right to feel that they are ruled by a group of men unrepresentative of the people of this District and unresponsive to its needs. It has suffered in all departments from inattention and oversight, but with reference particularly to education. Congress will always have embarrassing explanations to make regarding its efficiency as long as the schools of the District of Columbia lag behind the other cities of the country. Because of its relation to the Nation, the country looks to the National Capital to set a standard, which means, of course, that Congress shall establish that standard. Retrenchment of expenditures is desirable, but it must not be done at the expense of education. I am sure that I am in accord with all thinking persons when I say that statesmanship is not evidenced by the paring of educational budgets. I be-

lieve that the people of this country have enough interest in their capital to expect Congress to give it an educational system commensurate with its importance to the Nation.

#### PUEBLO INDIAN LANDS IN NEW MEXICO.

Mr. BORAH. Mr. President, I have before me a communication from the Secretary of the Interior relating to Senate bill 3855. That bill, it will be recalled, passed the Senate at the last session and upon my motion was recalled from the House at the present session. It is known as the Pueblo Indian bill. It is now before the Committee on Public Lands and Surveys. The Secretary of the Interior in his letter discusses the subject very fully, and I ask that it may be printed in the RECORD and referred to the Committee on Public Lands and Surveys, and also that my very brief reply may likewise be printed in the RECORD and so referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE SECRETARY OF THE INTERIOR,  
Washington, December 13, 1922.

HON. WILLIAM E. BORAH,  
United States Senate.

MY DEAR SENATOR BORAH: Some time since, upon your motion, a resolution was adopted withdrawing from the House consideration of S. 3855, entitled "A bill to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico." I understand that this bill was rereferred to the Committee on Public Lands and Surveys for the United States Senate.

This action having been taken, I presume that consideration of the bill will not be possible at the present short session of the Congress of the United States.

In the meantime, however, I assume that your action in this matter was caused by the clamor which has been heard in various quarters and publications, and charges which have been made in various papers and periodicals, and through letters and the representations to individual Congressmen and Senators.

The general tenor of these newspaper articles, representations, and letters, etc., has been to the effect that a "raid" was being made upon the lands of the Pueblo Indians of New Mexico, and that the rights of these Indians were not being properly guarded or attempted to be protected by the sworn officers of the administrative branch of the Government, whose duty under the laws passed by the Congress of the United States is to properly guard and protect such Indian rights.

I realize fully that the opinion is held in many quarters that the Commissioner of Indian Affairs, a Member of Congress for 14 years, appointed by the President and confirmed by the Senate of the United States, is not the proper person to guard and protect the rights of the Indians of the United States, but that such protection and guardianship rests in the hands of volunteer associations or individuals, many of them among the best people in the United States.

I am further aware of the fact that among some people the Secretary of the Interior is regarded as a ruthless despoiler, at least in intention, of the Indians, ready at all times to acquiesce in the effort of anyone to deprive them of their civil, religious, and property rights and property.

I am further aware of the fact that in many instances the Congress of the United States, or at least Members of the Congress and Senate, are influenced by propaganda or statements made by parties who have no official responsibility in the premises to take action without consultation with the departments and the heads of the departments and bureaus charged under the laws with exactly such official responsibility. There is no measure of resentment in making the foregoing statement, but it is made as a matter of simple, well-known fact.

As it was upon your motion that the action recited with reference to this bill was taken, I am addressing this letter to you with the request that you at least read it, and that if you see no reason why you should decline the request you may have it printed in the RECORD, and, if it is worthy of such treatment, that it be made a public document.

Since I have been Secretary of the Interior I have made no speeches to the public, dictated no statements for the newspapers, and engaged in no propaganda of any kind or character, even in the attempt to answer charges made against myself or my department, which charges have sometimes been of a most villainous character: as, for example, in the so-called discussion of the present bill by various volunteer representatives of the Indians and through them presumably printed and commented upon by newspapers and periodicals which the public naturally have a right to presume would investigate charges before endorsing them. My course has been to report to the Senate and the House of Representatives of the United States, or to the President of the United States, with reference to the actions of my department, treating them as officials of the United States Government, among whom I am one. This I have conceived to be my duty, and I am following that course in the present instance, and this is my justification for imposing upon you.

May I be permitted first to give a rough outline of the history of the pueblos of New Mexico and of their property rights and of the conditions existing there under Spanish and Mexican administration, and of the conditions existing since American occupation and at the present time. The settlements occupied by these particular Indians are known as the pueblos and are as follows: Zuñi, Ácoma, Laguna, Isleta, Sandia, Santa Ana, Cia, Cochiti, San Felipe, Santo Domingo, Jémez, San Ildefonso, Pojoaque, Nambé, Santa Clara, Taos, and San Juan, in connection with which may be mentioned Moqui or Hopi villages of Arizona.

These people are of sedentary habits and not of the nomadic tribes of Indians, and they were found by Coronado and the first Spanish explorers in 1541 and the following years, many of them residing in the present villages and cultivating the same lands which they are now cultivating and on which they are residing at the present time. The rights of these Indians to certain lands were recognized by the Spanish conquerors from early days, and provision was made under the



decrees of the Cortez and the Government of the viceroys and other Crown representatives for the protection of these Indians and the recognition of their land holdings.

Under the strict terms of the Spanish, and later of the Mexican, laws the holdings so recognized and provided to be confirmed to these Indians were to each community 1 league square. At the same time the method adopted in granting and confirming rights to other settlers, particularly the Spaniards or Mexicans, was to compute 4 leagues square, measuring 1 league in each direction from the center of the village or from the door of the church.

In New Mexico the first settlements of the Spaniards were adjacent to or within the existing settlements of the Indians in many instances; and the civil government in the early days being in the hands of the representatives of the church, missions were immediately established among these Indians and churches built within the settlements.

Later the policy was pursued of measuring 1 league in each direction from this church, thus making the Indian communal allotments of equal size with those of the Mexican communities—that is to say, 4 leagues instead of 1 league.

The Spaniards were driven out of New Mexico by an uprising of all of the Indians in about the year 1680, and many of them took refuge at the Indian pueblos below El Paso, Tex., from which points later the expeditions for the reconquest and settlement of New Mexico proceeded.

Titles are said to have been issued by some Spanish authority while these Spaniards were at the Texas pueblo settlements granting to them in writing the titles to the 4 leagues of land, which under the conditions referred to had theretofore been set aside to each community.

These evidences of title were incidentally or in some direct proceedings examined by the officials of the Court of Private Land Claims created by the Congress of the United States in 1891, and the expert officials of that court were of the opinion that these so-called Spanish muniments of title were forgeries. This matter is not material to any legal issue, however, as the Congress of the United States in 1866 made a grant to each of these pueblos by metes and bounds, granting the same amount of land—that is to say, 4 leagues to each pueblo—application for patent of which had been made by the Congress. Later, under the direction of the Congress, following surveys made by the surveyor general of New Mexico, patents were issued to these communities for the amount of land so granted. In these patents, as in the law, however, was inserted the following clause:

"Do give and grant to the said pueblo of —, in the county of — aforesaid, and to the successors and assigns of the said pueblo of — the tract of land above described as embraced in said survey, but with the stipulation, as expressed in the said act of Congress 'that this confirmation shall only be construed as a relinquishment of all title and claim of the United States to any of said lands, and shall not affect any adverse valid rights, should such exist.'"

The titles to these lands were not generally presented for adjudication to the Court of Private Land Claims above mentioned, but in one instance claims were made by the Pueblos for adjacent lands, or other lands claimed by them by purchase from individuals or through grantees, and in at least two of such claims the court considered the same and found that the Indians were entitled to certain lands which were later patented to them even as late as 1909. For example, one of the pueblos had purchased of a grantee of the Spanish administration 40,000 or more acres of land, and the pueblo itself presented a claim for adjudication to the Court of Private Land Claims embodying this purchase and had title confirmed to it and received patent for this land. Questions of disputed boundary have arisen, particularly since American occupation, between the Indians of the pueblos and adjacent landholders and claimants to the public lands under the public-land laws of the United States. In one instance recently a homesteader had a patent issued to him for approximately 160 acres of land and the patent was withdrawn after being forwarded to the local land office for delivery because of the conflict of approximately 7 acres embraced in the entry with a land-grant area. The applicant represented that he was willing to accept the patent with the area in conflict excluded, and the patent itself was issued to him after such action was taken through myself as the Secretary of the Interior.

In the Spanish days conflicts were constantly arising between Spaniards and others claiming lands by one title or another within the exterior limits generally recognized as the legal limits of the pueblo. Under the Spanish administration two classes of officers were appointed to protect the Indians against the rapacity of the Spaniards and others, and I may say that the Spanish archives of New Mexico are full of instances displaying the good faith of the Spanish officials with relation to such Indian matters.

One of the more serious conflicts which was not finally and definitely settled at that time, more than 150 to 175 years ago, has in one form or another practically continued to this day. In the pueblo of Taos, which was a frontier pueblo subject to constant attack from the marauding savage Comanches, Apaches, Utes, and other Indians, the Indians themselves invited the adjacent Spanish settlers to come within the boundaries of their grant and occupy certain designated areas and assist them in repelling the attacks of such Indians, particularly the Comanches. Several years thereafter a dispute arose, the Indians insisting that the Spaniards should be ejected simply because of the fact that technically titles for the lands occupied had not been made to the Spaniards and that it was Indian ground. These difficulties were patched up by agreements from time to time, but no final determination as to the rights was made. No such determination has been definitely made as to these and other disputed titles since the years mentioned, and disputed questions still arise. The home of Kit Carson for the greater portion of his life was at Taos, and the first governor appointed before the creation of the Territory, named by General Kearny—that is to say, Governor Bent—and his family were residents of Taos.

An examination of the documents relating to the titles of these pueblos will display very many curious and interesting facts. For example, Mexicans and Spaniards intermarrying with Indians, their children claimed in many instances all the rights of Indians, including property rights. In at least one interesting case, as shown by the archives, the Indians of one little village set aside a portion of their lands for the occupancy of such children, who are designated officially as "coyotes," and in some titles made by the tribe later the instrument specifies that the land described is situated within the place occupied by the "coyotes."

I am thus hurriedly attempting to give you the background of the situation.

These Indians, under the Mexican law, were regarded and declared to be citizens. Of course, the fact that they had a political status as citizens did not necessarily give them authority or power over other properties or real estate except under the laws or customs adopted and followed.

Distinct provision was made in the laws of Spain for the alienation of Indian lands through the approval of the "protector" or other official in charge of the Indians. In some instances the custom recognized the right of the Indians to purchase additional lands and hold same, while no law specifically provided for such purchase nor how such purchased lands might thereafter be disposed of, nor whether land so purchased was subject to any restrictions whatsoever as to disposition. I have before me a report containing, among other things, a historical review of the Spanish and Mexican laws and the situation of these Indians with relation thereto, their status under the law, etc., which was prepared by the Hon. Ralph E. Twitchell, assistant to the Attorney General of the United States, appointed for the purpose of making such historical research and making reports to the Department of the Interior and the Bureau of Indian Affairs concerning any remedial measures necessary. This report was in the hands of the Senate committee when the bill in question passed the Senate, and if any Senator will give time to the perusal of it he may find it interesting, and in event he regards the subject as of importance, may find it also instructive. I shall refer to this report again, and in this connection will add that Mr. Twitchell was appointed to do this work because of the fact that he is a thorough Spanish scholar, has given years to the examination of the Spanish archives of New Mexico, has made translations of the original documents, has written a history of New Mexico in three volumes, and has prepared and published two volumes, subjecting, indexing, and analyzing these old Spanish and Mexican archives. Colonel Twitchell has been a resident of New Mexico for approximately 40 years, is to my personal knowledge one of the prominent lawyers of that State, and in my judgment was best qualified to handle this particular subject. He is also representing the Government of the United States in litigation now pending against settlers on and claimants to some of these Indian lands in good faith, and with exceeding ability is attempting to rectify some of the errors, both of omission and commission, of United States special or general attorneys with reference to Indian matters.

#### AMERICAN OCCUPATION.

The first civil Governor of the Territory of New Mexico, after the same was created, was James S. Calhoun, who, during the military occupancy and prior to the creation of the Territory, was Indian agent for all of the Indians in what was known as New Mexico at that time, and his jurisdiction extended over what is now known as New Mexico, Arizona, parts of Colorado, etc. He was appointed by President Taylor and proceeded immediately to New Mexico. His official correspondence with the Indian Office under Secretary of the Interior Luke Lea and others is on file, of course, in our archives, but was collected and printed three or four years since under the title of "The official correspondence of James S. Calhoun while Indian agent at Santa Fe and superintendent of Indian affairs in New Mexico."

Accompanying this document will be found the first maps of portions of New Mexico made after American occupancy. Of course, while Calhoun had jurisdiction over all the Indians within his territory he was in more close touch at all times with the Pueblos, whose matters we are now considering.

Among other things well known to residents of New Mexico and others who have given consideration to pueblo questions, Mr. Calhoun first calls public attention to the fact that these pueblos, the names of which have heretofore been recited, are inhabited by people many of whom do not speak the same language. Among other things, in a report under date of October 1, 1849, he says that of the 20 pueblos the languages of at least 10 of them are said to be entirely different and that they communicate with each other through the instrumentality of Mexican interpreters or pantimimic action. I may state to you that while a Member of the United States Senate several years since I myself presented to the then Commissioner of Indian Affairs three pueblo "governors" who could not communicate the one with the other in Indian language, but must communicate through the common medium of the Spanish, and that much surprise was expressed by the commissioner upon being informed that these Indians did not speak a common language, and that rules and regulations for their government applicable to one could not be well applied to another where any attempt was made to give jurisdiction to the Indians of one pueblo over any Indians of another. All through the correspondence of Mr. Calhoun will be found instances upon the settlement of the disputed questions of titles and of boundaries of these Indian lands and conflicts between claimants of property rights within the exterior limits of recognized pueblo grants. Insistence upon legislation and conferring of jurisdiction upon some one tribunal to try all such cases is repeatedly made in such correspondence. Detailed information concerning specific conflicts is furnished from time to time. Among other things, a treaty was drawn up by Mr. Calhoun and signed by the head men of the majority of these pueblos with reference to the settlement of titles through some tribunal to be created by the United States. A letter was written under date January 25, 1850, to the Indians of Taos concerning this question. Various suits brought in the territorial courts or in the circuit courts are referred to in the same concerning Indian rights or property, and the difficulties in the matter of jurisdiction and other matters are referred to and pointed out.

These Indians having been recognized as citizens, their status as voters became a subject of interest in the election of 1850.

Apparently the agent, Mr. Calhoun, advised the Indians to take no part in the election, while the military governor, Colonel Monroe, issued a proclamation stating that they were entitled to vote for all Territorial officials and for State officials, United States Senators, etc., as the people of the Territory were, under the invitation of President Taylor, at that time attempting to form a State government and were electing two United States Senators and a Congressman. These Indians took part in the election for the Delegate to Congress, Mr. Smith, who served in the Congress of the United States. From time to time, running back over a known period of approximately 250 years, parties have claimed lands within the Indian pueblos by virtue of supposed titles or sales to them by individual Indians and by the Indians as a tribe. A great many American citizens, Mexican by descent, and others are living within the exterior limits of these pueblos and claiming title not only by occupancy but claiming to be able to establish the fact that their titles originated through regularly executed conveyances from the Indians to their predecessors in interest. In many cases possession by such claimants may be traced back more than 200 years. There



are various decisions of the Territorial, State, and United States courts concerning the status of these Indians and diverse opinions with reference to the rights of the Indians to dispose of their properties to other parties.

The Indian can not understand the difference between a State court and a United States court, and to him an officer of the Government is an officer of the Government, whether his office is held under a State or a National commission. Conflicts between the courts yet continue. The situation from time to time has taken on a very serious caste, particularly within the last few years, since Americans have been going into the Territory, and now State, of New Mexico, and many of such Americans have been purchasing lands claimed to be held in private ownership by American citizens holding possession of such claims possibly, as I have stated, through generations of such occupancy. In 1850, as shown in the collection of the Calhoun correspondence, while Delegate Smith was in Washington, he received and replied to letters from the then Commissioner of Indian Affairs, Mr. Brown. In a letter under date March 9, 1850, Delegate Smith refers very feelingly to the Pueblos and to the fact that provision should be made to have judicial settlement of all conflicting title questions. In August, 1851, Mr. Calhoun refers to Hon. Luke Lea in connection with a letter from himself, a report made to Calhoun by Mr. Tulles, who had been authorized to settle some conflicting claims. In this communication Mr. Tulles relates that he has met the agents of different pueblos and has ordered a line recently run between these pueblos by Government surveyor, and that he had also another line, giving certain natural objects as terminating points, and Mr. Tulles closes with the statement that all of the Indians of both pueblos were satisfied, with the exception of the governor of the Lagunas, who was by this decision dispossessed of a few acres cultivated by himself. He also relates that he had examined into the controversy between the Laguna Indians and the Mexicans concerning the north line of Laguna grant and concerning a dispute as to the use of water for the irrigation of lands claimed by the respective parties. I am possibly tedious in calling attention to these matters at such length, but I see no other method by which the present situation can be understood and proper provision made for a definite settlement of these questions which have been pending for more than 300 years.

It will be noted that by the grant to the Indians made by the Congress of the United States in confirmation of their supposed titles from the Spanish Government, which titles were theirs, at least by recognition, the total area within the exterior limits became fixed, but that the Government conveyed no other title than by confirmation of the title to the Indians, and with specific reservation concerning any other titles.

I have hereinbefore stated that the Court of Private Land Claims did not consider itself vested with jurisdiction to pass upon these pueblo claims which were confirmed under the congressional grants. However, in the act creating the Court of Private Land Claims, and providing for the discharge of its duties, general provision was made for the survey and ascertainment of the boundaries of individual claims which might be affected by the decisions of the court.

Later attempts were made to have the Congress of the United States appropriate moneys with which to cause surveys to be made within the Indian pueblos of the claims occupied by individuals other than Indians. About the year 1913 surveys of this character were ordered, and under the authority of the Secretary of the Interior were made and detailed reports thereupon filed by the surveyors, maps accompanying the same, etc.

Noted upon these maps and reports is the distinct provision that the surveys and mapping should not be construed in any manner whatsoever as conveying, or attempting to convey, any intimation that the parties whose lands were thus mapped or surveyed and reported upon had any rights of any kind recognized by the department itself, the clear attempt being made to convey the information that the department had no jurisdiction over these specific questions and that it would not recognize the validity of any such claim.

The matter was considered from time to time by the Congress in applications for appropriations, etc., and I may refer you to the hearings of the committee of the House of Representatives, volume 3, Sixty-sixth Congress, second session, page 647, et seq., where it is stated by the representative of some of the claimants in answer to a question of the chairman that the surveys referred to were made for the purpose of segregating the American and the Mexican lands which had been possessed for a certain length of time, etc.

These surveys were made through the use of appropriations for Indian allotments and surveys under a ruling by the comptroller, based upon a question propounded by this department.

While the surveys were being made the parties claimant, apparently through some common understanding, made written statements with corroborative affidavits, to the surveyors, showing the character of title which they claimed to have, etc. The principal survey, commenced on November 2, 1915, was made by Francis E. Joy, United States surveyor. The original application and accompanying affidavits were reported, with the maps and notations thereon, as hereinbefore indicated, to this department. Of course, they were recorded as not being in the nature of legal claims demanding decisions, but they were made upon forms furnished by some one else, headed "Small holding proof." These applications, affidavits, reports, etc., indexed, are contained in several volumes in the archives of the General Land Office, and in the volume before me I notice that the first application of applicant is made by the Board of Home Missions of the Presbyterian Church in the United States of America by C. R. Garcia, agent. The application is for three small tracts, and it is stated that each was purchased from some other holder who was in possession of same at time of purchase. These documents and files, of course, are at the service of the Congress of the United States should either body or any committee thereof desire to examine the same, together with any other documents or instruments on file in the department relative to these questions.

While these particular claims just referred to have not been properly filed, except as just stated, there are formally filed claims numbering several hundred, possibly made by some of the same individuals, which claims are pending in the General Land Office.

Notwithstanding the fact that the surveyors distinctly informed each individual that the surveys were merely being made for information and for assistance in the matter of suits, etc., and were not intended to convey any intimation of any prospect of the patenting of any titles therethrough, yet the occupants of these lands generally have supposed for years that they were really in the situation of the small land-holding claimants under the act of 1891, and they have been living in expectation of some adjudication of what they think are rights in the premises.

Right here and now, Senator BORAH, it may be as well understood that, notwithstanding all of the clamor of the most excellent ladies and gentlemen who are besieging you and others with their appeals for protection to these Indians, and the denunciation of the officials having in charge Indian lands, there is no new raid by anyone being made or attempted upon any Indian lands known as the pueblo lands in New Mexico. The demand for some final, definite settlement of these disputed questions is insistent from all parties, and it is these demands and the action of the department thereafter taken thereupon, which I shall now shortly refer to.

That these are not new questions of occupations of so-called pueblo areas finds very persuasive proof in a census made by the mission authorities at each of these pueblos in the year 1819, as follows:

*Church census (1819) attending mission churches at these pueblos in 1819.*

Pueblo.	Indians.			Spaniards and other classes of people.			Spaniards and Indians.
	Men.	Women.	Total.	Men.	Women.	Total.	Total.
Pecos.....	26	28	54	366	372	738	792
Tesuque.....	89	98	187	141	159	300	487
Nambe.....	113	118	231	29	32	61	292
Pojoaque.....	42	51	93	140	146	286	379
San Juan.....	117	115	232	1,210	1,272	2,482	2,714
Picunas.....	158	162	320	515	532	1,047	1,367
Taos.....	372	381	753	624	636	1,260	2,013
Santa Clara.....	88	92	180	600	605	1,205	1,385
Cochiti.....	182	157	339	191	168	359	698
San Felipe.....	170	140	310	215	193	408	718
Santa Ana.....	238	233	471	4	3	7	478
Zia (Cia).....	107	89	196	1	2	3	199
Xemes.....	163	167	330	280	254	534	864
Laguna.....	402	377	779	246	217	463	1,242
Acoma.....	245	232	477	5	3	8	485
Zuni.....	794	803	1,597				1,597
Isleta.....	234	277	511	1,145	1,168	2,313	2,824
Sandia.....	192	213	405	199	207	406	811
San Ildefonso.....	262	265	527	317	351	668	1,195
Santo Domingo.....	358	368	726	118	141	259	987
Total.....	4,352	4,366	8,718	6,348	6,461	12,809	21,527

This table shows that these people, Indians and non-Indians, were worshipping at these missions and residing upon or immediately adjacent to the Indian pueblo villages more than 100 years ago.

Prior to the introduction of this bill (S. 3855) of which I am writing you, Senator BURSUM on May 31, 1921, introduced Senate bill 1938, and on July 19, 1921, Senator BURSUM introduced Senate bill 2274.

Senate bill 1938 provides, very shortly, that all persons who for more than 10 years have had actual, continuous, and adverse possession of lands not exceeding 160 acres within the exterior boundaries of any Indian pueblo grant in the State of New Mexico confirmed to such pueblo by act of Congress or by decree of the court of private land claims, or whose ancestors, grantors, or predecessors in interest had such possession are hereby recognized and declared to be the legal owners of the land so possessed and confirmed in the possession thereof and the title thereto. "No action at law or suit in equity shall be commenced or maintained by the United States or by any Indian pueblo to recover the possession of such lands or to quiet title thereto, and this act may be plead in bar of any such action or suit now pending."

There were various suits pending at this particular time, and of course the bill speaks for itself as to its objects, to-wit:

- I. To confirm all claims of title held for more than 10 years;
- II. To prevent the prosecution of any pending suits affecting same.

Under date of June 27, 1921, I addressed a letter to the Hon. CHARLES CURTIS, chairman of the Committee on Indian Affairs of the United States Senate, dictated and signed by myself personally, calling attention to the provisions of this bill and stating, among other things, that an attorney had been appointed by the Attorney General of the United States to represent the Department of Justice in the matter of Indian litigation, and that instructions had been given this attorney that he should go into all pueblo titles—that is, the original grants, surveys, history, history of individual holdings, disputes concerning water rights—and make a comprehensive report to the department upon which could be based a request for legislation, if same was necessary, in justice to the Indians or the settlers; that it was the purpose of this department to attempt to seek justice for all parties; that "the passage of the act in question would simply forestall a settlement based upon a full and comprehensive report of actual conditions, the legal status, the equitable rights and claims of both the Indians and others claiming rights, and so forth."

It was stated that this action was taken prior to the introduction of these bills, and so forth.

Communications were sent to individual Senators and others at the same time and along the same lines, and the bill in question was not acted upon.

On August 16, 1921, during my absence from Washington, a very similar letter was directed to the Hon. REED SMOOT as a report upon Senate bill 2274, and as a result of the objection of this department this bill was likewise held up.

Later the report made by Colonel Twitchell, and hereinbefore referred to, was received and, as before stated, a copy of it was immediately furnished to the Senate committee having charge of the bill S. 3855.

The history of the latter bill is this:

Mr. A. B. Renahan represents a large number of private claimants; Col. R. E. Twitchell, Assistant Attorney General, represents the Department of Justice in charge of Indian Affairs litigation, etc., in connection with the Bureau of Indian Affairs, Department of the Interior.

Commissioner Burke visited New Mexico and while there visited several pueblos and discussed matters with various Indians. He also had a conference with Messrs. Twitchell and Renahan at Santa Fe, and with other attorneys, concerning this much vexed question.



Colonel Twitchell had the outline of a proposed bill drawn up and Mr. Renahan also had a proposed measure. The two attorneys were requested to come to Washington and did so. A conference was again held here between themselves and the Commissioner of Indian Affairs. Later a conference was sought with the Secretary of the Interior, and the draft of the bill as it stands was discussed, and, as I understand, one or two suggestions made by the Secretary were included therein before the final draft was made. The bill was then introduced by Senator BURNUM. My impression is that it was not sent to him from the department but that may have been and he most likely was told that it had the general approval of the department. In any event, I wrote a letter, under date of July 31, 1922 to Senator SMOOR, in answer to his official communication, in which I stated that I had given the provisions of the proposed law my attention and that the bill met with my approval. I further stated that the attorneys representing the Indians and the claimants, respectively, had been brought here, and that all parties had agreed to the bill.

I may say to you that the bill was, of course, a compromise; that it was presented with the general approval of the department for the consideration of the Congress of the United States, for the purpose of enabling that body to adopt some legislation tending to bring about a conclusion or finally to put at rest the controversial questions which have agitated the people of New Mexico, as heretofore stated, for more than 300 years.

Now, sir, the particular exigency demanding the passage of some measure had theretofore recently arisen in a threatened armed conflict between certain American citizens claimant and certain Indians on one of these pueblos.

The claimants of these lands are American citizens who exercise the right of suffrage. The Indians themselves are understood to have the right of suffrage but do not exercise the rights.

Ever since 1850 political agitation has ensued in the different counties where these Indian questions are unsettled, at every election.

Under our system of appointing superintendents and shifting them from one place to another, superintendents have been sent in from the Northern States, or other localities, to represent the Government in the matter of these different Indian pueblos. There are several of them located in the State, their jurisdiction being divided into districts.

Due to this near armed conflict various protests were made concerning the action of one of the agents and demands made for his transfer, and equally strong demands made for his retention. These demands came from Americans, from volunteer associations representing the Indians, from claimants to rights within Indian lands, and others.

At this time I wrote a letter to the Commissioner of Indian Affairs, after having discussed this particular incident with him, calling his attention to the fact that these disputed Indian questions were being dragged into politics at every election; calling his attention to the fact that American citizens speaking the Spanish language, lived within the exterior limits of these Indian pueblos and had so lived through their ancestors in many instances from time immemorial; calling his attention to the fact that these pueblo Indians did not speak the same language, while practically every one of them speaks Spanish, and that in my judgment great care should be exercised in the selection of agents who would have some little knowledge of the particular pueblos which they must deal with and preferably, at least, some smattering knowledge of Spanish, through which language they could communicate with the non-English speaking Indians of the different pueblos, and that such agent should have instructions with reference to the peculiar political status of and political agitation among these Indians.

Again, let me impress upon you the fact that villages almost entirely inhabited by American citizens are situated within the exterior limits of these pueblos; that the pueblos themselves pay no taxes and that all taxable values are assessed against the property of Americans (generally Spanish-speaking Americans) who conduct mercantile and other businesses of the communities. This is peculiarly the case with reference to the settlement of Española and the settlement of Taos.

Now, what does Congress propose to do about it?

We have, in good faith, attempted to furnish them with the foundation for legislation and with information upon which they can base some definite conclusion.

It is held by Mr. Twitchell that while Pueblo Indian tribes, as a tribe, had legal authority under the Spanish and Mexican law to dispose of lands that the individual Indian could not make good title to any portion of such lands. The contrary opinion is held by very many and it may be possible by a majority of the lawyers who have given consideration to this question.

It is not generally understood that these pueblo lands consist of a very small portion, approximately speaking, of cultivable, tillable, and cultivated lands; that this small area, situated in the narrow valley of some stream, is divided up between the different individual Indians running in long strips generally from the "acequia madre," or "mother ditch," so that each holding is as near as possible to the main water supply. The remainder of such lands consists of grazing lands generally, with no timber of any kind or character except scrubby "mezquite" and cottonwood, the roots of the former being used for firewood; that these grazing lands are supposed to be held in common by all the tribe, while the individual Indian cultivating lands within the pueblo areas under allotment from the pueblo official did not have any title other than by consent of the official of the pueblo. The title to areas so occupied was in common, but in practice and custom such lands were actually cultivated and used by succeeding generations.

Now, legally or illegally, it has been the custom for a great many years for these individual Indians to part with their titles, or supposed titles, to these small individual holdings. Whether they had a legal right to do so remains to be settled and is a subject upon which there is a very material difference of legal opinion as indicated.

In correspondence concerning this bill I have indicated that possibly it might be necessary, in equity and good conscience, to provide compensation for the American claimants of the lands in event they were dispossessed thereof, either through cash payment of the ascertained value of the particular tract or through the granting to such claimant of an equivalent value of lands of the United States, or that it might be necessary to make some such provision for the Indians or any individual Indian in event the holdings of the American claimant might be sustained.

My purpose is to inclose herewith various documents, some of which have been referred to, and also correspondence, etc. I have, however, only given you very hastily a mere outline of the very interesting problems, and have attempted to show to you that those charged

with the legal duty and with the legal responsibility of administering Indian matters have proceeded in the best of faith.

I have shortly referred to the fact that Colonel Twitchell is representing the interests of the Indians in litigation.

I can not refrain from calling attention to one particular case now pending.

A former attorney for the Pueblo Indians some time since brought suit for such Indians in the State court for the recovery of certain lands claimed by them as against the claims of individuals. Suit was brought in the name of the pueblo. It was tried by a State court, and was decided against the Indians and in favor of the claimants. No appeal was taken from this decision. The record does not disclose why such appeal was not sued out.

Later a suit was brought in the United States court; "res adjudicata" was pleaded. The case came up to the Supreme Court of the United States, and was entitled "The Pueblo of Laguna v. Jose Candelaria et al.," and the case was dismissed on the ground of no jurisdiction.

Shortly after the appointment of Colonel Twitchell he requested authority, both through the Department of the Interior and directly through the Attorney General of the United States, to be allowed to file a suit in the name of the United States for the benefit of this pueblo for the recovery of these lands. Instructions were issued that such suit should be brought, and it is now pending. What the result will be it is impossible to say, but at any rate the utmost industry has been displayed by Colonel Twitchell in this matter as in all others under his care, and he is assiduously endeavoring to rectify what was certainly a very serious blunder made by a former attorney for the Indians.

And yet, Senator BORAH, you doubtless have in your possession a published article, written by one Mrs. Cassidy, in which, among other things, she is relating what occurred at a meeting of these Pueblo Indians, recently held, and in the course of which she very sympathetically repeats some statements in the form of an interrogatory by one of these Indians who, after reciting the loss of these lands to his people, desired to know "whether they were to be deprived of their lands by the man in Santa Fe (referring to Colonel Twitchell) or the man in Washington" (referring to either the Commissioner of Indian Affairs or the Secretary of the Interior).

Now Mrs. Cassidy follows this quoted statement by referring to Mr. Wilson, former attorney of the Indians, as having been then present and denouncing the bill under consideration as an outrage, etc.

And yet, Senator BORAH, Mr. Wilson was the attorney referred to who litigated the case for these Indians, and either Mr. Wilson or his successor in office, Jacob H. Crist, failed to take any appeal to the State supreme court. Mr. Paisano, the Indian referred to, well knew it—he is a supposedly intelligent Indian capable of making a most eloquent plea, which appealed to Mrs. Cassidy, and Mr. Paisano knew that he had only recently consulted with Colonel Twitchell, and that Colonel Twitchell had brought this suit in the name of the United States on behalf of the Indians to rectify the error or mistake of Mr. Wilson, who was so highly complimented and was, as I am informed, the attorney for the volunteer "association" representing so many of the good women of this country.

These facts are disclosed by the documents, and if either the Senators, Members of the Congress, or the Congress of the United States will provide for an immediate investigation of all these matters the department will be very glad indeed to have the same called and held and to have Mrs. Cassidy, Mr. Wilson, Mrs. Atwood, and all other parties interested or claiming to be interested appear before the committee, whether a standing or special committee of Congress or of either House, and the department holds itself ready to present every particle of evidence which it has or may be able to obtain, including the report of special agents heretofore appointed at the request of the Volunteer Associations for the Protection of the Indians, and among which reports may be found interesting matter concerning certain of the particular individuals who are now, under the cloak of protection to the Indians, engaged in misleading statements, some of them in absolutely false statements, knowing same to be false, and some of them in defamatory statements concerning officials of the Indian Bureau and of this department.

It may also be added that under the act enabling New Mexico to become a State and the compact of the people of the State with the United States all of the pueblo areas owned and occupied by the Pueblo Indians is declared to be "Indian country," and the Indians and citizens of New Mexico are entitled to know what lands are so owned and occupied as to make them "Indian country." This is also one of the reasons for providing for decrees of segregation of non-Indian from Indian lands, as is seen in the bill under consideration, which gives the United States court exclusive jurisdiction in these as in all other matters covered by the bill.

Very sincerely yours,

ALBERT B. FALL,  
Secretary of the Interior.

P. S.: I am attaching hereto—

(1) Report of Col. R. E. Twitchell containing the history of the pueblo grants in New Mexico, together with a discussion of the legal status of the Indians thereupon and of their titles, with recommendations as to the necessary steps to be taken to settle the disputed question.

(2) Various letters, or extracts therefrom, taken from the correspondence of James S. Calhoun, Indian agent, concerning conditions existing among the Pueblo Indians with reference to titles, etc., 1849-50, as follows:

- (A) October 4, 1849, Calhoun to Medill.
- (B) Extract.
- (C) Extract.
- (D) November 16, 1849, Calhoun to Brown.
- (E) March 29, 1850, Calhoun to Brown.
- (F) Tullis to Calhoun.

I am requesting that if feasible to do so the inclosure be printed, together with my letter to you, as a public document.

F.

UNITED STATES SENATE,  
December 14, 1922.

The honorable the SECRETARY OF THE INTERIOR.

MY DEAR MR. SECRETARY: I have your communication under date of December 13. I have not had time to go thoroughly through this statement, but I shall do so. And I thank you for sending it to me.

At the time I moved to have this bill recalled from the House I had not yet been brought under the influence of any propaganda. At that time I had received one letter from a lawyer in New Mexico



and a telegram from a woman in California. The telegram did not have any bearing upon my action, as it stated no facts. But the letter called my attention to the purport of the bill. I discovered at once that there was a misunderstanding as to the terms of the bill at the time it passed the Senate. If you will read the *CONGRESSIONAL RECORD* at the time the bill passed, you will find that I asked certain questions in regard to the purpose and effect of the bill. Senator BURSUM replied to these questions, and I felt satisfied, upon an examination of the bill, that there was an entire misunderstanding by the Senate, including Mr. BURSUM, as to its effect. I therefore recalled the bill, not because I had felt the effect of propaganda but because I felt quite sure that the bill had not been sufficiently considered and that it passed the Senate under a misunderstanding as to its terms.

I shall be glad, indeed, to examine the entire statement as you have furnished it to me, and I will ask at the proper time that it be printed and probably made a public document.

Very sincerely,

WM. E. BORAH.

#### AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. BORAH submitted an amendment requesting the President to call a conference of the nations of the world to consider economic problems and the limitation of armaments on land and sea, intended to be proposed by him to House bill 13374, the naval appropriation bill, which was ordered to lie on the table and to be printed.

#### THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The PRESIDING OFFICER. The pending question is the motion of the Senator from Nebraska [Mr. NORRIS] to proceed to the consideration of the bill (S. 4050) to provide for the purchase and sale of farm products.

Mr. DIAL. Mr. President, I made a few remarks yesterday, before the recess hour, on the pending bill. At the conclusion of the session I had announced my remedy for the disposition of the ships which the Government has. If it were in my power, I would have a new stock taken of our condition in the United States. I feel that it is time to make a second Declaration of Independence. On account of the war world conditions have changed, and it is time that we should look out for our interests primarily, and then look out afterwards for the interests of the world.

This question of the operation or disposition of these ships is a serious proposition that we have on our hands. Personally, I am opposed to the Government going into any business. If it were a new proposition, I certainly should oppose the Government construction of ships; but we find now that we have something like 10,000,000 tons on hand, and we should pursue the best method to dispose of them.

I stated yesterday that the first thing I would do would be to ask the different committees of Congress to consider laws that fall within each one's province, and see if we could not improve our condition. I am not well posted on the seamen's act, but it seems that the shipping public thinks it is a great handicap to the prosperity of our shipping. I do not hope that labor conditions will ever go back to pre-war conditions; that is not to be desired at all, and I do not know that there are so many unreasonable restrictions in this act; but, if there are some, they should be modified.

Mr. KING. Mr. President, will the Senator yield?

Mr. DIAL. I yield to the Senator from Utah.

Mr. KING. If I understand the testimony of Mr. Furuseth, who is president of one of the seamen's organizations and is familiar with the so-called La Follette Act, the conditions of seamen not only in the United States but throughout the world, the question of wages, and so forth, it is that the wages paid to American seamen since the La Follette Act, during and since the war, have been in the main paralleled by the wages paid in such countries as Denmark and Great Britain, and that in those two countries wages now are substantially as high as the wages paid to American seamen. As I recall the testimony, conceding all of the claims made by the proponents of this bill and those who urge that the wage question cuts a very important figure in the discussion of this question, their position is scarcely tenable and not borne out by the facts, because even if the wage distinctions are as they contend it would make a difference of only about 2 per cent in operating expenses; and that includes, as I understand, the expenses involved in the maintenance of a very high-salaried clerical force and administrative force which we find in many of these corporations. So I think the question of wages is a mere camouflage urged by a good many of the men who are insisting upon this subsidy. American seamen are now paid very low wages—many of them \$40 per month, some of them perhaps less than that, and the general efficiency of the American seaman, I think, is recognized.

Mr. DIAL. And it counterbalances any greater cost that there may be.

Mr. KING. Yes; if they should be paid higher wages than those of other countries, their services are that much more efficient. So I think that the Senator may dismiss as a reason for a subsidy the proposition that the wages paid to American seamen are so much greater than those paid to seamen in other countries as to call for the benevolent bounties of the Government of the United States.

Mr. DIAL. I thank the Senator from Utah. I will confess that before we had these hearings and before looking into the subject I thought that the wages were out of proportion, but after a thorough investigation I find the condition to be exactly as the Senator from Utah states.

I am not opposed to paying proper wages. In fact, I think that the payment of good wages encourages efficiency, competency, and faithfulness, and, as the Senator said, it counterbalances the disadvantage growing out of the payment of lower wages to less efficient people. However, what I am trying to say is that if there is anything wrong in our laws we should meet it manfully, and change it.

In this magazine, *American Industries*, from which I was reading yesterday afternoon, I see expressions of the views of various people connected with so-called big business, and they hit the Congress very hard for not changing these laws. Whether or not this is a just criticism I do not know. It may be propaganda, but it is evidently in the minds of the public.

On page 9, reading from an expression by Mr. Henry Abbott, he says:

Responding to your conundrum, "Do we need a ship subsidy, and why?" It would undoubtedly be productive of public benefit to have a sufficient tonnage of American-owned ships upon the seas and to insure their permanence by making their operation profitable. If under our peculiar shipping laws and the higher cost of American labor to man and operate our ships they can not compete with foreign-owned vessels, then our Government must, in some form, grant pecuniary aid to the individuals or corporations owning such American ships.

He expresses here the view that there is something wrong in the law.

On page 10, he also says:

If as a Nation we have any self-respect, if we wish the respect of other nations, we will at once repeal our absurd shipping laws and enact others that will encourage the building and operation of American ships. If they can not be profitably operated without a subsidy, then let us have a ship subsidy law.

Reading from Mr. William H. Douglas, who seems to be president of Arkell & Douglas, on the same page, he says:

It is well known, by reason of our laws and other disadvantages under which we labor in competition with other countries who favor their shipping in many ways, that without proper Government aid we can not maintain our flag on the ocean.

Reading from Mr. Knobloch, on the same page, he says:

American shipping, whether owned privately or otherwise, must also be freed from some of the drastic handicaps that are driving it from the seas.

Reading from Mr. George W. Todd, president of the Todd Photographic Co., on page 11, he says:

Congress has loaded our ships down with many unnecessary laws and restrictions that put us at a great disadvantage. In fact, I firmly believe if we were on an equal footing with other countries that subsidies for other than fast passenger and mail ships would be unnecessary.

On page 12, reading from Mr. Augustine Davis, who is president of the Davis Automatic Equipment Corporation, he says:

Our shipbuilding has already fallen below that of other principal nations; and the burdensome regulations established by our Government in the employment of seamen on ships carrying our flag make their services more costly than that of any other nation, thus creating a handicap that tends to make investment in American ships less and less inviting.

Reading from Mr. Hodson, on the same page, he says:

It is an accepted fact that the cost of construction and the cost of operating American-built vessels under the American flag are greater than similar costs of vessels of foreign registry. It is also generally agreed that an adequate merchant marine is a key industry upon which the prosperity of our entire industrial structure largely depends. On that basis it would appear that the shipping industry is entitled to the same protection against lower cost foreign competition that is granted to other industries by the protective tariff. To my mind the ship subsidy is nothing more or less than a tariff which will equalize the operating costs of foreign vessels operating under foreign flags and American vessels operating under the American flag.

Reading from Mr. Richard H. Edmonds, editor of the *Manufacturers' Record*, on page 13, he says:

A subsidy to American ships is not a bonus or profit paid into the treasuries of their owners but is the price that we must pay for the maintenance of laws which make the cost of running an American ship very much heavier than the cost of operating ships under other flags.

On page 14 I ask permission to insert in the *RECORD* the views of Mr. Henry F. Grady, director of the foreign and



domestic trade department of the San Francisco Chamber of Commerce. It is a very interesting statement, but I will not take the time of the Senate to read it. I might say that Mr. Grady's statement is along the same line.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

The matter of subsidizing shipping is one that is intimately related to our foreign trade and any ship-subsidy program should be worked out as part of a general foreign-trade policy. The purpose of a subsidy is to give a bounty to foreign commerce, and that bounty is justifiable only in so far as it results in the development of foreign commerce. No bounty is a satisfactory substitute for cargoes. The theory of the bounty is to increase cargoes. Therefore, the stress should be placed on the development of foreign commerce, and the bounties given through the medium of subsidized transportation should be merely an aid to the outflow and inflow of commodities where conditions warrant.

One gets the impression from a great deal of the discussion on the ship subsidy that it is regarded as an end in itself. It is not an end in itself, but a means to an end, and that end is the development of trade. A country serious about its foreign trade will therefore do everything in its power to foster foreign trade and will furnish a bounty through the medium of subsidized transportation only where there are obstacles to the flow of commerce that can not be overcome in any other way. Moreover, these obstacles must in the nature of things be temporary, and the bounty or subsidy an aid in the overcoming of these temporary difficulties.

Bounties to any form of economic activity are only justified as temporary aids and as a means of bringing that activity to its full vigor. If there are inherent weaknesses in an industry, the sound procedure is to correct these weaknesses rather than subsidize them by permanent governmental aid. In the case of our shipping we should, on the one hand, take legislative action to remove any impediments in the way of reduced cost of operation, and, on the other, the industry itself should seriously take up the matter of improving its technique, and in that way work toward a position where competition without subsidies is possible.

A policy of restricting commerce through prohibitive tariffs, on the one hand, and of subsidizing shipping, on the other, has always been and will always be irreconcilable. If we seriously want foreign trade let us formulate a national policy along the lines to secure foreign trade, and then put our shipping on a sound basis through such legislation as is necessary and such temporary subsidies as will aid the industry during its period of infancy. Subsidies are thoroughly justified from this standpoint, and I believe we should have them, but I also believe most emphatically that it is futile to discuss a merchant-marine program that is not made part and parcel of a foreign-trade program. We must build up our shipping as an adjunct to our trade, but it would be absurd to attempt to build up our shipping at the time we are killing trade. The way to make shipping profitable is to stimulate the flow of cargoes. If the cargoes are adequate the problem of subsidies will be greatly reduced, and the effect of such subsidies as are justified will be greatly augmented.

Mr. DIAL. On page 15, Mr. J. R. Monroe, who is president of the Monroe Calculating Machine Co., says:

The reasons are many. Two of the most important are, I believe, first, assistance in the form of a subsidy or otherwise is given by other countries; and, second, legal requirements of our country add greatly to the expense of running our ships. It may be that these legal requirements are more burdensome than is necessary to protect the interests of the seafaring man and the traveling public, but I do not believe it would be possible to get native sailors for our ships without giving them greater protection and advantages than are enjoyed by most foreign seamen.

On page 16, reading from the views of Mr. W. A. Layman, president of the Wagner Electric Corporation, he says:

I am in favor of a ship subsidy, but there is one difficulty with the situation which I think is going to be insurmountable, namely, the La Follette seamen's bill.

It may interest you to know that in conversation with a very level-headed retired farmer a few days ago, he expressed the view that it was a waste of energy to talk about a ship subsidy measure until the seamen's bill had been repealed, or so amended as to put our shipping on a reasonably competitive labor basis with that of other nations. This old gentleman said that he would vigorously oppose a ship subsidy, the net effect of which was simply to pass a gratuity into the hands of American seamen. It was his opinion that if the law would give American shipping an opportunity, it could compete with the world without a subsidy.

I now read from Mr. Philip S. Tuley, on page 19:

#### UNFAVORABLE LAWS A SERIOUS HANDICAP.

(Written especially for American Industries, by Philip S. Tuley, president-treasurer, Louisville Cotton Mills Co.)

I have long felt that we should establish a ship subsidy in order to develop the American merchant marine. I think that our failure to adopt such a national policy prior to the war was responsible for our having to accept the humiliating position of being powerless to transport our Army when the emergency arose and having to accept the shipping of other nations to accomplish this essential matter. Of course, unfavorable legislation affecting shipbuilding is likewise responsible in large measure for this and until such legislation is repealed we question whether a ship subsidy can be adopted successfully without perpetuating the unwholesome and unfavorable conditions of operation and construction now existing as a result of the legislation mentioned.

As a nation, it is my belief that the American people are not fully alive to the necessity for making provision for the transportation of their raw materials and finished product to foreign countries. We are not yet fully awakened to the necessity for developing our export trade without which it is certain to result that our own markets will be prejudicially affected. Assuredly we can not expect in this country efficient service in shipping provided for us by nations with which we are in competition. Their interest would be, of course, to give preference to the trade of their own respective nationalities. In every way it would seem to me a foregone conclusion that American trade in foreign

fields would be seriously hampered to the extent of the necessary reliance upon foreign bottoms for transportation of products of field and forest, of mine and factory in America.

In an article written by Mr. Landon C. Bell, appearing on page 20, he said:

#### NEED FOR A WISE SHIP SUBSIDY POLICY.

(Written especially for American Industries by Landon C. Bell, W. M. Ritter Lumber Co.)

One of the greatest needs of this great Nation is an adequate merchant marine.

The comparison of tonnage carried in American bottoms now with that carried in American bottoms four decades ago, considering the population, wealth, and commerce of the country at the two periods, can not but produce the most painful reflections. The history is one of retrograde instead of progress.

A comparison of the volume of our foreign commerce, whether imports or exports, now currently carried by American ships with that carried by foreign ships shows a state of affairs not likely to excite our enthusiasm or give us pride in pointing to the facts.

The situation viewed from any angle and in any point of comparison is one of which the country may be well ashamed, and over which our citizenship can hardly feel otherwise than deeply chagrined.

The important phases of the subject can not be covered in a few brief paragraphs, but one fact is outstanding. Our ships will always be in competition with those of all the world in respect to our sea-borne trade.

Our standards of living and our wages are the highest in the world. American shipowners can not pay wages high enough to maintain our standards and earn a reasonable profit, if indeed any margin at all, under present laws and regulations, in competition with ships of other countries where standards are not so high, where wages are low, and legal restrictions more favorable.

No great country with far-flung sea coasts such as ours can prosper in peace or be secure and well cared for in war without an adequate merchant marine.

Under world conditions as they have existed for some time, and will likely continue indefinitely, America can not have such a merchant marine as she imperatively needs without a wisely conceived ship subsidy policy.

Mr. President, I do not know what legal restrictions he has reference to, but if there are any unnecessary legal restrictions, they should be repealed. I ask now to have inserted in the RECORD a short article on this subject written by Mr. Frederick L. Chapman, editor and owner of Better Farmer, to be found on page 22 of this magazine. The views of Mr. Chapman are very interesting.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### DO NOT SELL OUT ON A BEAR MARKET.

(Written especially for American Industries by Frederick L. Chapman, editor and owner Better Farming.)

I favor a ship subsidy, but not the ship subsidy which is now proposed. A subsidy is an assistance given by government to private interests engaged upon an adventurous enterprise, the continuance of which will convey a benefit to the public. Great Britain, France, and even poor Italy have subsidized steamship lines connecting the home land with distant ports carrying mails and unprofitable traffic, while developing trade in far-away parts which in the immediate or distant future will be to the general profit. We may properly do the same.

The proposal, however, to dispose of our national merchant marine for a nominal price of \$200,000,000 less \$125,000,000 for its rehabilitation, less \$75,000,000 paid yearly by the Government for 10 years, less exemption from certain taxes during that period, can not be properly named a subsidy. It is a gift outright of more than half a billion dollars in net cash, plus whatever property value the ships now have.

I am opposed to this plan at the present time for the further reason that the low state of our foreign trade, resulting in the lack of demand for shipping, has destroyed the present market value of this marine property. Our shrinkage in export of raw materials and food products during the first half of this year compared with the first half of 1921 is about \$934,000,000. For the same period the shrinkage in manufactured exports has been more than \$2,500,000,000. Stating the above shrinkage in tonnage it has been 5,000,000 tons.

That is why I think this is an inopportune time to sell. I would rather wait until the country came to its better economic sense and realized that—

1. We can not be a trading or shipping Nation unless we are willing to trade under fair terms with foreigners. The present tariff forbids that.

2. We can not trade with foreigners until they become once more our friends. Our proud pose of isolation and indifference to human problems across the seas is not conducive to international friendship. We are beginning to appear even to ourselves in that attitude asinine and silly.

3. We can not operate our ships by public or private control with profit under the restrictions of the present seamen's act. It should be rescinded.

Meanwhile we would better lease these ships to private operators under liberal terms, or if that is impracticable operate them even at the present loss of \$50,000,000 yearly until we have laws and conditions more favorable to their sale.

I believe it will not require 10 years to get them. Then, if we wish to sell, sell! It will be on a bull market.

Mr. DIAL. The result of these various replies to inquiries from this magazine is that there must be something wrong in the law, some unnecessary restrictions thrown around our shipping interests. I do not know what the details are, but if there are any such restrictions we should change them, modify them, and amend them. It is not to the benefit of anyone to have unnecessary restrictions laid around our shipping. In fact, the people of this country should be encouraged to buy our ships and to give our people employment. We should go at



it in the same way in which we developed this country, with the same energy, and for the purpose of making money, giving better facilities to the citizens of the United States.

We all admit that a merchant marine would be a great help to every interest, farming, mining, and all our varied interests. In fact, Mr. President, I have thought that if Mr. Lasker had used some of his great energy in trying to educate the people of the United States to buy these ships and to use them in the proper way instead of trying to work up a sentiment for a subsidy, possibly by this time we would have had the attention of the American people riveted on shipping. I believe there is no more tonnage in the world to-day than there was before the war. It is true we built a great deal in this country during the war, but a great deal was destroyed. I am sorry I have not the figures before me of the tonnage of the different nations of the world; I had them, but they have been mislaid. Of course, German tonnage has been almost totally obliterated.

We should go to work with the vim and the energy necessary to interest the people of this country in our shipping. Unfortunately, those of us who live back from the seacoast do not feel that we are much interested; we do not see our interest directly, but every man in the whole country is interested in shipping. If we would go to the different States and try to get them to take pride in patronizing our ships it would help matters. Perhaps every State in the Union has some product which its people want to export. I had thought of trying to get the people of the different States interested in forming companies to buy these ships with a view to having the people of those States patronize those particular ships. Then, if we could get the railroads interested and get them to fix proper rates to the different ports of this country, we could encourage and awaken a lively interest in shipping.

Take, for instance, the South with her great cotton industry. We ship many bales to New York and to Boston to be shipped across the ocean, whereas the ships ought to come direct from the different countries of the world to our southern ports and take the commodities on there. Our people would be interested in buying ships if they had proper assurance that their interests would not be militated against through the Interstate Commerce Commission diverting shipments by rail to other sections of the country.

The distance from Chicago to Charleston is the same as the distance from Chicago to New York, or practically the same, and it is down grade. We could bring the great merchandise of the Middle West to those southern ports. There is some talk of the roads not getting return freight, but that could soon be worked up, and if we would let the people of the West know that they could ship their grain in that direction it would encourage them to ship it that way.

I believe if proper efforts were made the great beef interests, the coal interests, the oil interests, and the other interests of this country would become interested in our shipping and would patronize our ships.

I think it should be said to the everlasting shame of the United States that our railroads have had contracts with ships of foreign nations to transport their goods across the ocean. I feel that people who live in this country, and who enjoy protection under our laws, and who have their enterprises chartered here, should do everything they can for the common good, and I believe if it were brought to the attention of the railroads in the proper way they would gladly annul whatever contracts they have now of that kind, if they could get proper accommodations in our ships. If Mr. Lasker had put some of his energy into that line of propaganda, instead of having ships tied up, we would now have them ready to meet the increased business of this country, and they would be furnished with cargoes.

There is no use of this country being timid about treaties with other nations. We have become the creditor of the world, and if those treaties are against our interests, and if they have grown obsolete, then our proper officials should take the necessary steps to have them annulled or modified. The time has come when there is no use splitting hairs or being timid about it. It is necessary to our self-preservation that we look after our interests and the interests of our people. I know we have been encouraged to look over the world and try to donate to one country and to another, and try to improve conditions all around, but we are getting so that we can scarcely help ourselves in some sections, and we should wake up to that.

It might be a good thing to sell some of these ships to the people of some weak nations, and I would be glad to see that done, as we have more ships now than we could use profitably. I would be glad to encourage some Chinese interests to buy some of these ships, or some interests in Poland, or even in Russia. In Russia are to be found the finest cotton mills in the world, and they have come back into the market recently

for our products, and while I would not advocate recognizing the Russian Government, yet I see no reason why trade relations should not be restored and encouraged, following the example of England and France. It might be a very profitable act to sell ships to the people of those nations, as well as to Czechoslovakia, which is a large customer of ours in cotton. They need grain, it would encourage business, and we would engender the right spirit.

I would like to see a great effort made in this country to encourage our young people, soldiers, men of energy and men of vision, and the working people to buy these ships. If they would just come to feel that they could purchase them at a small price, on long time, they perhaps would organize companies and develop them with a new energy and a new vision. They would make it profitable.

It is unwise to provide in the bill that all but 10 per cent should be taken away from the operator and covered into the Treasury. I can see no sense in any such provision. If a man is going in and take the risk, he does not care to have a top put on his profits. The ocean is free; people have a right to traverse it at their pleasure; and they should be encouraged to make all the profits they could consistent with reasonable freight rates. I would be delighted if the American Legion would suggest the matter to our soldiers, and if they would go in and buy some of these ships and run them in a proper way.

The propaganda which has been spread over this country has not been propaganda of the right kind; it has not been for the purpose of encouraging people to invest their funds in these ships or to aid in disposing of the ships, but it has been for the purpose of making our people look to Washington with the expectation of getting some favor. I must deplore the idea of always encouraging people to depend upon their Government for support. That is not governmental, and we can not make our people an independent population by taking from one class and giving to another. We have done it so much that everybody wants some special favor and there are not enough special favors to go around. Our Republican brethren have taught the people, through their tariff legislation and their other special legislation, that it is right to come to the Government, and that they need not work, that the Government is going to support them. We have tried that experiment about long enough. We have borrowed from one, and we have pillaged another, until we have to go to creating and to making a surplus.

Some time ago I read with a great deal of interest a circular by some one, whose name I do not now remember, entitled "Render unto Caesar the things that are Caesar's."

Mr. CARAWAY. That is in the Bible.

Mr. DIAL. The quotation is from the Bible, but the pamphlet is not. If we would read that we would see where there is no wealth to the world except surplus. It was a very interesting discussion of the origin of profit.

As I said yesterday, it is surprising to me that more money was not lost on these ships under Lasker's management, operating about 400 out of about 1,400, with the others tied up. His testimony was that he let the Government ships take only the surplus cargoes. Wherever there were private operators he would hold our ships back and let the private operators have advantageous cargoes, and he would run our ships only as a kind of overflow. It is a wonder to me we did not sink more money than we did.

I am satisfied that with a proper effort on Lasker's part, instead of losing this considerable sum of money we could have had an even balance sheet. Personally, I would not have cared particularly whether we made much money or not until we sold the ships, but there is no use in our losing money.

I am satisfied that wherever ships are tied up in cold ports, where there is ice clear through the winter months, if we would transfer them to warmer waters it would be less expensive to keep them up, would cost less for coal and for labor, and it would advertise the benefits of this Government in different sections of the United States. I am satisfied they could have been maintained with much less expense, and that they would have been maintained in reasonable order. I confidently believe as our commerce increases within the next year or perhaps the next few months that a demand will again spring up for the ships, and we can get rid of them at a reasonable price at least.

Mr. President, it is a serious situation. I feel that it is a situation that has been brought about designedly by the head of the Shipping Board. It is more serious than our people realize. But in addition to trying to sacrifice these ships it seems to be the desire now to put on this great subsidy. In other words, they would then, under the provisions of the bill, be simply hothouse plants, and there would be no attempt to go after business in a businesslike way.



Mr. President, I understand it is the desire to have an executive session, and it is now 2 o'clock. I had intended to speak on the motion of the Senator from Nebraska [Mr. NORRIS], but I shall refrain from doing so at this time.

## EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 3 hours and 40 minutes spent in executive session the doors were reopened.

## CONFIRMATION OF PIERCE BUTLER.

In executive session this day, following the confirmation of Pierce Butler to be an Associate Justice of the Supreme Court of the United States, on motion by Mr. NORRIS and by unanimous consent, the rules were suspended, and it was

*Ordered*, That the vote by which the Senate declined to refer the nomination to the Committee on the Judiciary and the vote by which Mr. Butler was confirmed be made public.

The vote, on the motion of Mr. LA FOLLETTE to recommit the nomination to the Committee on the Judiciary, resulted—yeas 7, nays 63, as follows:

YEAS—7.			
Harris	La Follette	Norris	Trammell
Heflin	McKellar	Sheppard	
NAYS—63.			
Ashurst	Frelinghuysen	McCumber	Reed, Pa.
Ball	George	McLean	Robinson
Bayard	Glass	McNary	Shortridge
Brandeggee	Gooding	Moses	Smoot
Broussard	Hale	Myers	Stanley
Bursum	Harrison	Nelson	Sterling
Cameron	Hitchcock	New	Sutherland
Caraway	Johnson	Nicholson	Townsend
Celt	Jones, N. Mex.	Norbeck	Wadsworth
Cummins	Jones, Wash.	Oddie	Walsh, Mass.
Curtis	Kellogg	Overman	Walsh, Mont.
Dial	Kendrick	Page	Warren
Dillingham	Keyes	Pepper	Watson
Ernst	King	Philpps	Weller
Fernald	Lenroot	Poindexter	Williams
Fletcher	Lodge	Reed, Mo.	

NOT VOTING—26.			
Borah	Elkins	Owen	Spencer
Brookhart	France	Pittman	Stanfield
Calder	Gerry	Pomerene	Swanson
Capper	Harrell	Ransdell	Underwood
Couzens	Ladd	Shields	Willis
Culbertson	McCormick	Simmons	
Edge	McKellar	Smith	

Mr. BROOKHART announced his pair with Mr. CALDER, and stated that if he were not paired he would vote "yea."

So the Senate refused to recommit the nomination to the Committee on the Judiciary.

The vote on confirmation resulted—yeas 61, nays 8, as follows:

YEAS—61.			
Ashurst	Frelinghuysen	McLean	Shortridge
Ball	Glass	Moses	Smoot
Bayard	Gooding	Myers	Spencer
Brandeggee	Hale	Nelson	Stanley
Broussard	Harrison	New	Sterling
Bursum	Hitchcock	Nicholson	Sutherland
Cameron	Johnson	Oddie	Townsend
Caraway	Jones, N. Mex.	Overman	Wadsworth
Celt	Jones, Wash.	Page	Walsh, Mass.
Cummins	Kellogg	Pepper	Walsh, Mont.
Curtis	Kendrick	Philpps	Warren
Dial	Keyes	Poindexter	Watson
Dillingham	King	Pomerene	Williams
Ernst	Lenroot	Reed, Mo.	
Fernald	Lodge	Reed, Pa.	
Fletcher	McCumber	Robinson	

NAYS—8.			
George	Heflin	Norbeck	Sheppard
Harris	La Follette	Norris	Trammell

NOT VOTING—27.			
Borah	Elkins	McKinley	Smith
Brookhart	France	McNary	Stanfield
Calder	Gerry	Owen	Swanson
Capper	Harrell	Pittman	Underwood
Couzens	Ladd	Ransdell	Weller
Culbertson	McCormick	Shields	Willis
Edge	McKellar	Simmons	

Mr. BROOKHART announced his pair with Mr. CALDER, and stated that if at liberty to vote he would vote "nay."

So the nomination of Pierce Butler as Associate Justice of the Supreme Court of the United States was confirmed.

## ADJOURNMENT OVER CHRISTMAS.

On motion of Mr. LODGE, it was—

*Ordered*, That when the Senate adjourns on Saturday, the 23d instant, it stand adjourned until Wednesday, December 27, 1922, at 12 o'clock meridian.

## CIVIL WAR PENSIONS—CONFERENCE REPORT.

Mr. BURSUM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3275) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out all of the House amendment after the enacting clause, and substitute the following in lieu thereof:

"That any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and in line of duty, or whose name is now on the pension roll, including those thereon under any act of Congress, public or private, and every person who served 60 days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be paid a pension at the rate of \$72 a month, payment to be made in accordance with the pension roll, without further application by the person entitled thereto.

"Sec. 2. That the widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War, and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and in line of duty, or who died in the service of a disability incurred in service and in line of duty, or who has heretofore been or may hereafter be granted a pension under any law, public or private, for service in the Civil War, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, 1915, or who if legally married after said date shall have subsequent to such marriage lived and cohabited with the soldier, sailor, or marine for at least two years and continuing until his death, shall be paid a pension at the rate of \$50 a month, and an additional pension of \$6 a month for each child of the officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability: *Provided further*, That the additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans: *Provided further*, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be \$50 a month: *Provided further*, That all provisions of this section shall apply to all pensions heretofore granted under any law, public or private.

"Sec. 3. That the rate of pension for the former widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War and was honorably discharged from such service, or who, having so served for less than 90 days, was discharged for a disability incurred in the service and in line of duty, or who died in the service of a disability incurred in the service and in line of duty, such widow having married the officer or enlisted man prior to June 27, 1915, or if legally mar-



ried after such date shall have subsequent to such marriage lived and cohabited with such soldier, sailor, or marine for a period of at least two years and continuing until his death, and having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage or marriages has or have been dissolved, either by the death of the husband or husbands, or by divorce for any cause other than adultery on the part of the wife, shall be entitled to and be paid a pension at the rate of \$50 a month: *Provided*, That where a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or former widow shall not be entitled to pension under this act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow, payment of pension to such child or children shall cease; and this proviso shall apply to all claims arising under this or any other law.

"SEC. 4. That the benefits of this act shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first, second, third, fourth, and fifth paragraphs of section 4693, Revised Statutes of the United States, who served during the Civil War, and also any person who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897, on account of service during the Civil War and the war with Mexico, and the widows and minor children of such persons: *Provided*, That service under this section shall be proven in the manner and form specified in section 2, act of March 4, 1917, and the act of September 1, 1922: *Provided further*, That from and after the passage of this act the rate of pension to the soldiers of the various Indian wars and campaigns who are now on the pension roll, or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, May 30, 1908, or under the act of March 4, 1917, shall be \$30 per month, and that the rate of pension to the widows of soldiers of the various Indian wars and campaigns who are now on the pension roll or who may hereafter be placed thereon under said acts shall be \$20 per month.

"SEC. 5. That all Army nurses of the Civil War who have been, or who may hereafter be, allowed a pension under existing laws shall be entitled to and shall be paid a pension at the rate of \$50 a month.

"SEC. 6. That all persons now on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of \$80 a month; and where there has been an excision or resection of any part of the bones of the forearm or any part of the bones of the leg below the tuberosity of the tibia, the rate of pension shall be \$75 a month; that all persons who in like manner shall have lost an arm at or at any point above the elbow or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of \$85 a month; and where there has been an excision or resection of any part of the humerus or femur, or of the shoulder or hip joint, or where there is an ankylosis of either the elbow or knee or shoulder or hip joint, the rate of pension shall be \$80 a month; that all persons who in like manner shall have lost one hand and one foot, or shall have lost one hand or one foot and in addition thereto shall have lost a portion of the other hand or foot, or shall have been totally disabled in the same, shall receive a pension at the rate of \$100 a month; and where there has been an excision or resection of any part of the bones or joints of both of said arms or legs, the rate of pension shall be \$90 a month; and that all persons who in like manner shall have lost both arms or both legs or have been totally disabled in the same, shall receive a pension at the rate of \$125 a month; and where there has been an excision or resection of any part of the bones or of the joints of both of said arms or legs, the rate of pension shall be \$100 a month; and it is hereby directed that the Secretary of the Interior shall cause to be reviewed, upon request of the pensioner, all cases wherein there is an excision or resection of any part of the bones of an arm or leg, shoulder or hip, or any of the joints, or an ankylosis of any of said joints, and shall place the name of the pensioner on the roll at the rates herein provided.

"SEC. 7. That in the adjudication of claims for widows' pensions marriage of the parties and the legality thereof may be established by any competent testimony, and in the absence of direct proof of a ceremonial marriage, satisfactory evidence

that the parties lived together as husband and wife and were so recognized by their neighbors and acquaintances until the death of the husband may be held to constitute sufficient proof of marriage; and cohabitation continuously for seven years or more may be accepted in lieu of proof that no impediment existed to the marriage of the parties. A widow otherwise entitled to pension under this act may not be barred from being granted such pension for the reason that she failed to live and cohabit with the 'soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death,' unless it be shown that she willfully deserted such 'soldier, sailor, officer, marine, marine officer, or other person' without good cause; and all provisions of law requiring such continuous cohabitation in any case are hereby repealed, except as provided in section 2 of this act.

"SEC. 8. That the pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check; and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

"SEC. 9. That nothing in this act contained shall be held to affect or diminish the additional pension to those on the roll designated as 'The Army and Navy Medal of Honor Roll,' as provided in the act of April 27, 1916, but any increase herein provided for shall be in addition thereto; and no pension heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

"SEC. 10. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

"SEC. 11. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed."

Amend the title so as to read:

"An act granting pensions and increase of pension to certain soldiers, sailors, and marines of the Civil and Mexican Wars and to certain widows, Army nurses, former widows, minor children, and helpless children of said soldiers, sailors, and marines, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain maimed soldiers, sailors, and marines."

And that the House agree to the same.

H. O. BURSUM,  
P. J. McCUMBER,  
T. J. WALSH,

*Managers on part of the Senate.*

CHAS. E. FULLER,  
JOHN W. LANGLEY,  
WM. W. RUCKER,

*Managers on part of the House.*

The report was agreed to.

ADJOURNMENT.

Mr. JONES of Washington. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned, the adjournment being, under the order previously made, until to-morrow, Friday, December 22, 1922, at 12 o'clock meridian.



## NOMINATIONS.

*Nominations received by the Senate December 21 (legislative day of December 16), 1922.*

## POSTMASTERS.

## ALABAMA.

Allison B. Alford to be postmaster at Ashford, Ala., in place of M. H. Rigell, resigned.

John R. Harris to be postmaster at Wadley, Ala., in place of W. H. Welch. Incumbent's commission expired October 24, 1922.

## ARIZONA.

John W. Brown to be postmaster at St. Johns, Ariz., in place of J. W. Brown. Incumbent's commission expired February 25, 1922.

## ARKANSAS.

Edna M. Reed to be postmaster at Bigelow, Ark., in place of W. E. Jones, resigned.

## CALIFORNIA.

William J. Ohlheiser to be postmaster at Crescent City, Calif., in place of J. L. Childs, declined.

George B. Tantau to be postmaster at Exeter, Calif., in place of T. E. Awbrey. Incumbent's commission expired September 5, 1922.

Frank L. Powell to be postmaster at Lemoore, Calif., in place of F. L. Powell. Incumbent's commission expired September 5, 1922.

## COLORADO.

Flossy H. Ritter to be postmaster at Austin, Colo. Office became presidential April 1, 1922.

Ethel M. DeBerry to be postmaster at Kennesburg, Colo. Office became presidential October 1, 1922.

James R. Lysaght to be postmaster at San Acacio, Colo. Office became presidential October 1, 1922.

Robert L. Newton to be postmaster at Arvada, Colo., in place of R. L. Newton. Incumbent's commission expired September 5, 1922.

## GEORGIA.

Kelly W. Liles, jr., to be postmaster at White Oak, Ga. Office became presidential April 1, 1922.

## ILLINOIS.

Pearl W. Norman to be postmaster at Galatia, Ill., in place of E. O. Johnson. Incumbent's commission expired January 31, 1921.

Lyman S. Graves to be postmaster at Wyoming, Ill., in place of P. B. Colwell. Incumbent's commission expired October 24, 1922.

## INDIANA.

Edna M. McDermott to be postmaster at New Point, Ind. Office became presidential July 1, 1922.

Wade Denney to be postmaster at Farmersburg, Ind., in place of J. H. Collins. Incumbent's commission expired September 5, 1922.

Reuben Hess to be postmaster at Kentland, Ind., in place of Reuben Hess. Incumbent's commission expired October 14, 1922.

John S. Lightcap to be postmaster at North Judson, Ind., in place of F. J. Vessely. Incumbent's commission expired September 5, 1922.

## IOWA.

Dennis L. McDonnell to be postmaster at Bernard, Iowa. Office became presidential January 1, 1921.

John F. Schoof to be postmaster at Denver, Iowa. Office became presidential January 1, 1922.

Bertha Zadow to be postmaster at Blencoe, Iowa. Office became presidential October 1, 1922.

Ben W. Stearns to be postmaster at Logan, Iowa, in place of T. A. Massie. Incumbent's commission expired September 5, 1922.

## KANSAS.

Dell D. Jackson to be postmaster at Winona, Kans. Office became presidential April 1, 1921.

Horace A. Fink to be postmaster at Russell, Kans., in place of A. L. Taylor. Incumbent's commission expired November 21, 1922.

## KENTUCKY.

Lewis A. McCoy to be postmaster at Owingsville, Ky., in place of S. A. D. Thompson. Incumbent's commission expired October 24, 1922.

## MAINE.

Jessie E. Nottage to be postmaster at Solon, Me., in place of M. P. Pollard. Incumbent's commission expired March 16, 1921.

Harry M. Robinson to be postmaster at Warren, Me., in place of F. E. Mathews. Incumbent's commission expired September 28, 1922.

## MICHIGAN.

Dana Stowell to be postmaster at Comstock Park, Mich. Office became presidential October 1, 1922.

Marie L. Mottes to be postmaster at Alpha, Mich., in place of C. J. Kazilek, resigned.

Elmer E. Fales to be postmaster at Belding, Mich., in place of W. F. Bricker. Incumbent's commission expired September 13, 1922.

Oscar W. Fowler to be postmaster at Greenville, Mich., in place of P. D. Edsall. Incumbent's commission expired September 13, 1922.

Nell W. Roe to be postmaster at Lake Odessa, Mich., in place of Edward Shellhorn. Incumbent's commission expired September 13, 1922.

Oscar W. Greenlund to be postmaster at Stambaugh, Mich., in place of P. W. Segelstrom. Incumbent's commission expired September 13, 1922.

Frank R. Church to be postmaster at Stanton, Mich., in place of C. E. Utley. Incumbent's commission expired September 13, 1922.

## MINNESOTA.

Arthur C. Omholt to be postmaster at Sacred Heart, Minn., in place of G. O. Bergen. Incumbent's commission expired January 24, 1922.

## MISSOURI.

William T. Thompson to be postmaster at Eugene, Mo. Office became presidential April 1, 1922.

Walter G. Gieck to be postmaster at Belle, Mo., in place of Andrew Poe, removed.

Robert F. Stalling to be postmaster at Lexington, Mo., in place of B. C. Drummond. Incumbent's commission expired September 5, 1922.

## NEBRASKA.

Chester C. Alden to be postmaster at Whitman, Nebr. Office became presidential October 1, 1922.

James J. McCarthy to be postmaster at Greeley, Nebr., in place of J. J. McCarthy. Incumbent's commission expired February 4, 1922.

## NEW YORK.

Victor J. Banfield to be postmaster at Van Etten, N. Y. Office became presidential July 1, 1921.

Michael Gleason to be postmaster at Carthage, N. Y., in place of W. H. Barry. Incumbent's commission expired September 28, 1922.

Mary R. Newlands to be postmaster at West Point, N. Y., in place of M. R. Newlands. Incumbent's commission expired November 21, 1922.

## NORTH CAROLINA.

James E. Connell to be postmaster at China Grove, N. C., in place of G. G. Blackwelder. Incumbent's commission expired September 5, 1922.

Russell A. Strickland to be postmaster at Elm City, N. C., in place of R. A. Strickland. Incumbent's commission expired July 21, 1921.

## OHIO.

Jesse L. Bales to be postmaster at Jackson, Ohio, in place of Thomas Kyer. Incumbent's commission expired September 19, 1922.

Mayme Pemberton to be postmaster at Roseville, Ohio, in place of F. W. Pace. Incumbent's commission expired March 8, 1922.

Duane G. Keener to be postmaster at West Salem, Ohio, in place of O. E. Jones. Incumbent's commission expired September 19, 1922.

## OKLAHOMA.

Ottis E. Thompson to be postmaster at Wright City, Okla., in place of J. M. Dollarhide, resigned.

## PENNSYLVANIA.

William T. Cruse to be postmaster at Derry, Pa., in place of C. H. Cullen. Incumbent's commission expired June 19, 1922.

John S. Steinmetz to be postmaster at Richland, Pa., in place of H. G. Moyer. Incumbent's commission expired September 13, 1922.



## SOUTH DAKOTA.

Jacob L. Bergstreser to be postmaster at Willow Lake, S. Dak., in place of G. W. Turley. Incumbent's commission expired September 11, 1922.

## TENNESSEE.

Michel K. Freeman to be postmaster at Westmoreland, Tenn., in place of C. H. O'Meara, removed.

## TEXAS.

Paul B. Mueller to be postmaster at Beeville, Tex., in place of E. M. Quinn. Incumbent's commission expired September 5, 1922.

Murt J. Sullivan to be postmaster at Comanche, Tex., in place of W. H. Carpenter, resigned.

William F. Moore to be postmaster at Kemp, Tex., in place of E. B. McDougald. Incumbent's commission expired September 5, 1922.

Edward N. Mulkey to be postmaster at Sherman, Tex., in place of W. H. Lankford. Incumbent's commission expired December 16, 1919.

Ernest G. Laughhammer to be postmaster at Somerville, Tex., in place of E. G. Laughhammer. Incumbent's commission expired January 24, 1922.

Miles B. Earnheart to be postmaster at Trenton, Tex., in place of J. D. Wilson, jr. Incumbent's commission expired September 5, 1922.

Hiram G. McGuffey to be postmaster at Three Rivers, Tex. Office became presidential July 1, 1922.

## WASHINGTON.

John T. Johnston to be postmaster at Wapato, Wash., in place of H. R. Whitney. Incumbent's commission expired October 14, 1922.

## WEST VIRGINIA.

Joseph P. Dawson to be postmaster at Widen, W. Va., in place of R. T. Price, resigned.

Edward J. Jenkins to be postmaster at Manbar, W. Va. Office became presidential January 1, 1922.

## WISCONSIN.

John S. Farrell to be postmaster at Green Bay, Wis., in place of W. L. Evans. Incumbent's commission expired September 5, 1922.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 21 (legislative day of December 16), 1922.*

## ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

Pierce Butler to be Associate Justice of the Supreme Court of the United States.

## MEMBERS OF THE INTERSTATE COMMERCE COMMISSION.

Charles C. McChord.  
Joseph B. Eastman.

## SOLICITOR OF INTERNAL REVENUE.

Nelson T. Hartson to be Solicitor of Internal Revenue.

## POSTMASTERS.

## ALABAMA.

Mary D. Bass, Butler.

## CALIFORNIA.

John W. Drane, Alturas.  
Edward F. Hopkins, Arroyo Grande.  
Fred W. Busey, Balboa.  
Edna J. McGowan, Belmont.  
James A. Lewis, Carpinteria.  
Hazel M. McFarland, Folsom City.  
Frederick Weik, Glendora.  
George M. Heath, Ione.  
Phyllis V. Henry, King City.  
Bert C. McMurray, Lancaster.  
Paul Huneke, Lemoncove.  
Kathleen M. Fleming, Lincoln.  
Ida P. Durkee, Newport Beach.  
George W. Fraser, Pinole.  
Bernice C. Downing, Santa Clara.

## ILLINOIS.

Hanson A. Garner, Chandlerville.  
John F. Flickinger, Lanark.  
Ora C. Hays, Villa Grove.

## MASSACHUSETTS.

James N. Young, Adams.

## MINNESOTA.

John R. Forsythe, Cohasset.  
Gunstein D. Aakhus, Erskine.  
Edith B. Triplett, Floodwood.  
Odin D. Krogen, Fountain.  
Ferdinand J. Reimers, Stewart.  
Alfred Anderson, Twin Valley.

## NEW HAMPSHIRE.

Amos J. Dinsmoor, Laconia.

## NORTH CAROLINA.

John G. King, Burlington.  
Vernon W. Faris, Henderson.

## NORTH DAKOTA.

Charles C. Bohrer, Cathay.  
Meeda McMullen, Forest River.  
Paul Keller, Hebron.  
Joseph W. Mahon, Langdon.  
Paul K. Hanson, Upham.

## OHIO.

Harry R. Kemerer, Carrollton.

## VIRGINIA.

Ollie M. Colbert, Gretna.

## WASHINGTON.

Edward Van Dyke, Lake Stevens.

## WEST VIRGINIA.

Nora V. Roberts, Glenville.

## WYOMING.

Hubert S. Ladd, Hudson.

## HOUSE OF REPRESENTATIVES.

THURSDAY, December 21, 1922.

The House met at 12 o'clock noon.

The Chaplain, James Shera Montgomery, D. D., offered the following prayer:

Because Thou dost know, blessed Lord, the power and pressure of temptation and art perfect in holiness, Thou wilt have mercy upon us. Pity us in our failures and pity us in our tendencies and hearken when we call. From Thee no secret thing is hidden; all hearts are open before Thee. Come, then, and withhold not and ever be unto us a sun and a shield. Give to all parts of our country that guiding wisdom by which every difficulty shall be settled justly. O let the blessings of Christian civilization be thoroughly diffused through the instrumentalities of our Republic. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

## FORT CARROLL, MD.

Mr. HILL. Mr. Speaker, the chairman of the Committee on Military Affairs of the Senate and the chairman of the Committee on Military Affairs of the House yesterday introduced a bill to sell certain real property no longer needed, including Fort Carroll, in Baltimore Harbor.

In reference to Fort Carroll, this morning I made the following inquiry of the Secretary of War:

DECEMBER 21, 1922.

The honorable the SECRETARY OF WAR,  
War Department, Washington, D. C.

SIR: I note that the chairman of the Senate Military Affairs Committee and the chairman of the House Military Affairs Committee yesterday introduced a bill (H. R. 13524) to sell certain real property no longer needed for military purposes, including Fort Carroll, in Baltimore Harbor.

On October 24, 1921, I introduced a bill (H. R. 8819) providing for the donation of Fort Carroll to the city of Baltimore, to be kept and maintained in perpetuity as a national monument and memorial. On May 31, 1922, the War Department disapproved the proposed donation and expressed its desire to sell.

I am writing to ask at what price Baltimore City could purchase Fort Carroll should legislative authority be granted.

This fort was named after Charles Carroll, of Carrollton, first United States Senator from Maryland and last surviving signer of the Declaration of Independence, and was constructed by General Robert E. Lee when a Colonel of Engineers.

Respectfully,

JOHN PHILIP HILL, M. C.

The disposition I suggested in 1921 was contained in the following bill. It referred also to Fort McHenry.

A bill (H. R. 8819) to preserve in perpetuity Forts McHenry and Carroll, located in Baltimore, Md.

Be it enacted, etc., That Fort McHenry, Baltimore, Md., and Fort Carroll, Baltimore, Md., if and when not required for military purposes, be deeded at once to the mayor and city council of Baltimore, to be kept and maintained in perpetuity as national monuments and memorials.



In reference to the bill the Secretary of War, on May 31, 1922, reported as follows:

WAR DEPARTMENT,  
Washington, May 31, 1922.

The CHAIRMAN, COMMITTEE ON MILITARY AFFAIRS,  
House of Representatives.

SIR: In further reply to your request of March 13, 1922, for a report on H. R. 8819, a bill "to preserve in perpetuity Forts McHenry and Carroll, located at Baltimore, Md.," you are advised as follows:

The Fort Carroll Military Reservation is an island of about 4 acres, artificially constructed about 1847, and located four and one-third miles from Baltimore. It is without armament or garrison and its improvements consist of an old fort, wharf, and small stone barracks.

Under license from the War Department the Department of Commerce is occupying the reservation for lighthouse purposes. In view of this fact, and since it is not understood that this fort has historic value, the War Department can not recommend the proposed donation thereof to the city of Baltimore. It is believed preferable to authorize a sale of so much thereof as Government departments or agencies do not need, in which event the city of Baltimore would be given preference as a purchaser should it desire to buy.

Should Congress favor the passage of this bill, attention is invited to the absence therefrom of any specific provision as to whether the Government or the city of Baltimore will defray the costs of maintaining these "national" monuments and memorials.

Fort McHenry has historic value on account of its connection with the "Star-Spangled Banner." It contains an area of about 46.75 acres and the site was acquired in 1795 and subsequent years. It has no armament or garrison and has been reported to Congress for disposition as property for which the War Department had no further military use. Under the present law (act of May 26, 1914; 38 Stat. 882) the city of Baltimore may have the use and benefit of Fort McHenry for park purposes, title remaining in the United States but maintenance costs falling upon the city. As such city will thereby obtain the advantage of this 46-acre addition to its park system without expense save such maintenance cost, it is believed that the advantages to the city will far outweigh any disadvantages and the historical value of the fort be preserved, since occupancy by the city will be under rules and regulations of the Secretary of War. Such city, in fact, had possession of this fort for park purposes until same was taken over by the Government during the World War. Numerous buildings were erected thereon by the War Department and Public Health Service at a cost of several million dollars. In view of the present state of the law the War Department can not recommend the passage of H. R. 8819. If Fort McHenry is to be made a national monument or memorial the retention of title in the Federal Government is recommended.

Attention is invited to the inclosed copy of a recent report to the Committee on Military Affairs of the Senate, upon S. 3349, which is a duplicate of H. R. 11083. By the provisions of these bills, if passed, the United States will restore Fort McHenry to its original condition, maintain same, and the citizens of Baltimore and Maryland will be permitted to use this property as part of the Baltimore park system. As will appear from the inclosed report, the War Department recommends that such legislation be not adopted.

Respectfully,

JOHN W. WEEKS,  
Secretary of War.

The situation as to Fort McHenry is complicated by its present use, but the Fort Carroll status is simple. It is not needed by the United States and should be preserved by Baltimore city as an historic memorial.

The Baltimore American to-day has given a most valuable account of Fort Carroll, which will be of interest to the House and the public. In the latter part of this account the president of the Maryland Historical Society details the historic significance of Fort Carroll. The article in the Baltimore American is as follows:

Fort Carroll may be sold by the Federal Government to the highest bidder.

And it may become the site of a memorial expressing Maryland's historic ideal of complete religious freedom.

Both ideas are quite new. The first was embodied in a bill introduced yesterday in Congress by Senator JAMES W. WADSWORTH, of New York, providing for the sale of numerous bits of War Department property not actively in use for military purposes.

The second was expressed last night by DeCourcy W. Thom, vice president of the Maryland Historical Society, when he heard of Senator WADSWORTH'S measure. Judge Henry Stockbridge indicated that the question of what should be done with the fort in case it is to be sold would be discussed at the January meeting of the Maryland Historical Society, of which he is the president.

"The fort itself is a fine monument to one of America's greatest men, its builder, Robert E. Lee, then captain and brevet colonel of Engineers, United States Army," said Mr. Thom. "It ought to be preserved for that if for nothing else. It has become a landmark for hundreds of thousands of Maryland people, its very name enshrining the memory of a patriot renowned in Revolutionary history."

"Fort Carroll well might be made the site for a permanent memorial which shall express the ideal which made Maryland unique when the world was torn by sectarian strife—the ideal of complete religious freedom. It could become for all who behold it what the Statue of Liberty is in New York Harbor to the devotees of civic liberty."

"From an architectural and artistic standpoint nothing could be better. There is ample room in the more than 3 acres of its area for a magnificent monument and a playground; and there is ample material in the fortifications for any new structures that might be desired. If the fort is to be sold, the city ought to buy it, by all means, for some such development when the time arrives."

The square, squat block of granite which is Fort Carroll is observed by hundreds of thousands every year, but few have been within its walls. The site was chosen for a fort in 1799, but nothing definite was done until the spot had been ceded by the State of Maryland to the Federal Government in 1846. General Totten, then Chief of Engineers, drew the plans, which were similar to those of Fort Sumter, at Charleston. Major Ogden began construction work in 1847. He

soon was succeeded by Captain Lee, who carried the work forward until he was transferred to West Point in 1852.

Water stood 12 and 15 feet deep over the site, above a deep bed of silt and clay. Piles were driven, a wooden grillage laid, and the foundations placed upon the grillage with the aid of a diving bell. The walls are of granite blocks, filled with concrete, and the inclosed space is filled with material dredged from the channel. It was intended to have about 225 guns, three tiers in casements and one in barbette.

But the fort was never finished according to the original design. When the walls had been carried up above the level of the second tier of casements the entire structure began to settle. Work was abandoned for 40 years. Changes were made in the plans and the work finished a quarter of a century ago, with batteries of a then modern type.

Within the old fort is an artesian well, from which a supply of good water, adequate for any possible need at the spot, can be obtained. This was a provision against siege in the days when it was begun. That it would have proved adequate for the waterside defense of Baltimore, if need had arisen, is shown by the record of its sister stronghold, Fort Sumter, which successfully resisted powerful attacks by Dupont and Dahlgren and succumbed only when bombarded by heavy batteries from the landward side.

When I suggested the matter of Fort Carroll last year I was moved by the considerations so well expressed above. I hope that the Secretary of War will report that the sale price to Baltimore City will be nominal. If Fort Carroll can not be donated to Baltimore, it should be bought by Baltimore at a nominal price and preserved for posterity. [Applause.]

#### MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment a joint resolution (H. J. Res. 279) to permit to remain within the United States certain aliens admitted temporarily under bond in excess of quotas fixed under authority of the immigration act of May 19, 1921.

#### LEAVE OF ABSENCE.

MR. CHINDBLOM. Mr. Speaker, I ask leave of absence indefinitely for my colleague, Mr. SPROUL, on account of illness.

THE SPEAKER. Is there objection?

There was no objection.

#### PENSIONS—CONFERENCE REPORT.

MR. FULLER. Mr. Speaker, I call up the conference report upon the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows and former widows, minor children, and helpless children of such soldiers and sailors, and the widows of the War of 1812, and to certain Indian war veterans and widows, and I ask unanimous consent that the statement be read in lieu of the report.

MR. BLACK. Mr. Speaker, I suggest the absence of a quorum.

THE SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. It is clear that there is not.

MR. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Dale	James	Moore, Ohio
Ansorge	Davis, Minn.	Johnson, Miss.	Mudd
Barbour	Deal	Johnson, S. Dak.	Nelson, Me.
Beedy	Dominick	Jones, Pa.	O'Brien
Benham	Drane	Jones, Tex.	O'Connor
Blakeney	Drewry	Kahn	Olpp
Boles	Dunbar	Keller	Osborne
Bond	Dunn	Kelley, Mich.	Overstreet
Brand	Dyer	Kennedy	Paige
Brennan	Echols	Kless	Park, Ga.
Briggs	Edmonds	Kindred	Parker, N. Y.
Britten	Fairchild	Kirkpatrick	Patterson, Mo.
Brooks, Ill.	Fairfield	Kitchin	Patterson, N. J.
Brooks, Pa.	Faust	Klecza	Perlman
Brown, Tenn.	Fess	Knight	Rainey, Ala.
Browne, Wis.	Fish	Kunz	Rainey, Ill.
Burke	Focht	Layton	Ramseyer
Cable	Free	Lee, Ga.	Ransley
Campbell, Kans.	Freeman	Lee, N. Y.	Reber
Cantrill	Frothingham	Lineberger	Reece
Carew	Fulmer	Linthicum	Reed, N. Y.
Chandler, N. Y.	Gallivan	Little	Riddick
Chandler, Okla.	Gifford	Longworth	Riordan
Clark, Fla.	Goodykoontz	Luce	Robertson
Classon	Gorman	Luhning	Rosenberg
Cockran	Gould	Lyon	Rosenbloom
Codd	Griffin	McCormick	Rossdale
Cole, Ohio	Hammer	McDuffie	Rucker
Collier	Hawes	McKenzie	Ryan
Collins	Henry	McLaughlin, Pa.	Sabath
Connally, Tex.	Herrick	McSwain	Sanders, N. Y.
Connolly, Pa.	Hogane	Maloney	Schall
Cooper, Ohio	Hudspeth	Mead	Scott, Mich.
Coughlin	Humphreys, Miss.	Michaelson	Sears
Cullen	Hutchinson	Mills	Shaw
Curry	Jacoway	Moore, Ill.	Shreve



Siegel	Stoll	Tinkham	Wheeler
Sisson	Sullivan	Tucker	Williams, Tex.
Smith, Mich.	Tague	Valle	Winslow
Smithwick	Taylor, Ark.	Vare	Wise
Snyder	Taylor, N. J.	Voigt	Wood, Ind.
Sproul	Taylor, Tenn.	Volk	Woodyard
Stafford	Ten Eyck	Walters	Yates
Stedman	Thompson	Ward, N. Y.	Zihlman
Steenerson	Thorpe	Weaver	
Stiness	Tillman	Webster	

The SPEAKER. Two hundred and forty-eight Members have answered to their names, a quorum.

Mr. FULLER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. FULLER. Mr. Speaker, I renew my request that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3275) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out all of the House amendment after the enacting clause, and substitute the following in lieu thereof:

"That any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and in line of duty, or whose name is now on the pension roll, including those thereon under any act of Congress, public or private, and every person who served 60 days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be paid a pension at the rate of \$72 a month, payment to be made in accordance with the pension roll, without further application by the person entitled thereto.

"SEC. 2. That the widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War, and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and in line of duty, or who died in the service of a disability incurred in service and in line of duty, or who has heretofore been or may hereafter be granted a pension under any law, public or private, for service in the Civil War, such widow having been married to such soldier, sailor, or marine prior to the 27th day of June, 1915, or who if legally married after said date shall have subsequent to such marriage lived and cohabited with the soldier, sailor, or marine for at least two years and continuing until his death, shall be paid a pension at the rate of \$50 a month, and an additional pension of \$6 a month for each child of the officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16 years: *Provided*, That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the life of such child, or during the period of such disability: *Provided further*, That the additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care

of soldiers' orphans: *Provided further*, That the rate of pension for the widow of any person who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the war with Mexico, on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be \$50 a month: *Provided further*, That all provisions of this section shall apply to all pensions heretofore granted under any law, public or private.

"SEC. 3. That the rate of pension for the former widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War and was honorably discharged from such service, or who, having so served for less than 90 days, was discharged for a disability incurred in the service and in line of duty, or who died in the service of a disability incurred in the service and in line of duty, such widow having married the officer or enlisted man prior to June 27, 1915, or if legally married after such date shall have subsequent to such marriage lived and cohabited with such soldier, sailor, or marine for a period of at least two years and continuing until his death, and having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage or marriages has or have been dissolved, either by the death of the husband or husbands, or by divorce for any cause other than adultery on the part of the wife, shall be entitled to and be paid a pension at the rate of \$50 a month: *Provided*, That where a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or former widow shall not be entitled to pension under this act until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow, payment of pension to such child or children shall cease; and this proviso shall apply to all claims arising under this or any other law.

"SEC. 4. That the benefits of this act shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first, second, third, fourth, and fifth paragraphs of section 4693, Revised Statutes of the United States, who served during the Civil War, and also any person who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897, on account of service during the Civil War and the war with Mexico, and the widows and minor children of such persons: *Provided*, That service under this section shall be proven in the manner and form specified in section 2, act of March 4, 1917, and the act of September 1, 1922: *Provided further*, That from and after the passage of this act the rate of pension to the soldiers of the various Indian wars and campaigns who are now on the pension roll, or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, May 30, 1908, or under the act of March 4, 1917, shall be \$30 per month, and that the rate of pension to the widows of soldiers of the various Indian wars and campaigns who are now on the pension roll or who may hereafter be placed thereon under said acts shall be \$20 per month.

"SEC. 5. That all Army nurses of the Civil War who have been, or who may hereafter be, allowed a pension under existing laws shall be entitled to and shall be paid a pension at the rate of \$50 a month.

"SEC. 6. That all persons now on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or have been totally disabled in the same, shall receive a pension at the rate of \$80 a month; and where there has been an excision or resection of any part of the bones of the forearm or any part of the bones of the leg below the tuberosity of the tibia, the rate of pension shall be \$75 a month; that all persons who in like manner shall have lost an arm at or at any point above the elbow or a leg at or at any point above the knee, or have been totally disabled in the same, shall receive a pension at the rate of \$85 a month; and where there has been an excision or resection of any part of the humerus or femur, or of the shoulder or hip joint, or where there is an ankylosis of either the elbow or knee or shoulder or hip joint, the rate of pension shall be \$90 a month; that all persons who in like manner shall have lost one hand and one foot, or shall have lost one hand or one foot and in addition thereto shall have lost a portion of the other hand or foot, or shall have been totally disabled in the same, shall



receive a pension at the rate of \$100 a month; and where there has been an excision or resection of any part of the bones or joints of both of said arms or legs, the rate of pension shall be \$90 a month; and that all persons who in like manner shall have lost both arms or both legs or have been totally disabled in the same, shall receive a pension at the rate of \$125 a month; and where there has been an excision or resection of any part of the bones or of the joints of both of said arms or legs, the rate of pension shall be \$100 a month; and it is hereby directed that the Secretary of the Interior shall cause to be reviewed, upon request of the pensioner, all cases wherein there is an excision or resection of any part of the bones of an arm or leg, shoulder or hip, or any of the joints, or an ankylosis of any of said joints, and shall place the name of the pensioner on the roll at the rates herein provided.

"SEC. 7. That in the adjudication of claims for widows' pensions marriage of the parties and the legality thereof may be established by any competent testimony, and in the absence of direct proof of a ceremonial marriage, satisfactory evidence that the parties lived together as husband and wife and were so recognized by their neighbors and acquaintances until the death of the husband may be held to constitute sufficient proof of marriage; and cohabitation continuously for seven years or more may be accepted in lieu of proof that no impediment existed to the marriage of the parties. A widow, otherwise entitled to pension under this act, may not be barred from being granted such pension for the reason that she failed to live and cohabit with the 'soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death,' unless it be shown that she willfully deserted such 'soldier, sailor, officer, marine, marine officer, or other person' without good cause; and all provisions of law requiring such continuous cohabitation in any case are hereby repealed, except as provided in section 2 of this act.

"SEC. 8. That the pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior; and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check; and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

"SEC. 9. That nothing in this act contained shall be held to affect or diminish the additional pension to those on the roll designated as 'The Army and Navy Medal of Honor Roll,' as provided in the act of April 27, 1916, but any increase herein provided for shall be in addition thereto; and no pension heretofore granted under any act, public or private, shall be reduced by anything contained in this act.

"SEC. 10. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of \$10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed, or due, to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for each and every such offense, be fined not exceeding \$500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

"SEC. 11. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed."

Amend the title so as to read:

"An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars and to certain widows, Army nurses, former widows, minor children, and helpless children of said soldiers, sailors, and marines, and to widows of the War of 1812, and to certain

Indian war veterans and widows, and to certain maimed soldiers, sailors, and marines."

And that the House agree to the same.

CHAS. E. FULLER,  
JOHN W. LANGLEY,  
WM. W. RUCKER,

*Managers on part of the House.*

H. O. BURSUM,  
P. J. McCUMBER,  
T. J. WALSH,

*Managers on part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to the widows of the War of 1812, and to certain Indian war veterans and widows, submit the following statement in explanation of the action agreed upon by the conference committee:

On account of the numerous verbal changes in the phraseology of the House substitute the conferees have rewritten the entire bill and recommend the adoption of the same as so rewritten. Most of the changes agreed upon are mere changes of phraseology and do not materially change the bill as passed by the House. The rates of pension provided by the original House substitute bill are not changed in any respect, except some slight changes in the rates granted to certain maimed soldiers. The principal change agreed upon is the proviso in section 4, reinserting in the bill the original section 7 of the Senate bill granting an increase of pension to the veterans of the various Indian wars from \$20 per month to \$30 per month and to the widows of such veterans from \$12 per month to \$20 per month. The verbal changes made in the other sections of the bill relate merely to administrative matters, and have been inserted in the bill on the recommendation of the officials of the Pension Bureau.

CHAS. E. FULLER,  
JOHN W. LANGLEY,  
WM. W. RUCKER,

*Managers on the part of the House.*

Mr. FULLER. Mr. Speaker, this bill as agreed upon in conference is substantially the bill as it passed the House several weeks ago. The only material change made by the conferees was to reinsert the original section 7 of the Senate bill, which provided an increase of pensions for certain veterans of the Indian wars from \$20 to \$30 per month, and of widows of such veterans from \$12 to \$20 per month. That section of the Senate bill was stricken out in the report made by the Committee on Invalid Pensions, principally for the reason that the Committee on Invalid Pensions has never assumed jurisdiction of any matters concerning Indian wars. There was no real objection to the provision on the part of any of the members of the committee, except that they thought they did not have jurisdiction of that subject. I can say, however, that the Committee on Pensions of the House, which has jurisdiction of that subject, or at least the chairman, expressed the desire that this provision be reinserted in the bill, as was done by the conferees.

The other changes in the bill consist of some slight changes as to the rates provided for certain maimed soldiers of the Civil War, and the other changes, I think, are mere verbal changes that do not in any manner change the substance of the bill as it was originally passed by the House. Those changes were made principally upon suggestions of the officials of the Pension Bureau as purely administrative matters, to aid them in construing the measure.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. DOWELL. Under the bill as it now stands, does the pension automatically change, or is it necessary for the pensioner to make an application to the pension department?

Mr. FULLER. If the gentleman will read the first section of the bill as it appears in the conference report he will find that question fully answered. It is expressly provided there that the increase of pensions shall be automatic, and that it will not be necessary to make any application therefor, but in another section of the bill it is of course provided that those not now on the pension roll must make application.



Mr. SANDERS of Indiana. Does the pension then date from the date of the law or the date of the application?

Mr. FULLER. The increase of pension under the bill as to those whose names are now on the pension roll dates from the 4th day of the month after the approval of the act. That provision was inserted because of the fact that the monthly payments are made as of the 4th day of each month and in order to have payments commence with the even month, as payments of pensions are made on the 4th day of the month.

Mr. DOWELL. Under the bill under consideration are the pensioners who are receiving pensions under a special act all included in this bill?

Mr. FULLER. They are.

Mr. DOWELL. Do all of them come within its provisions?

Mr. FULLER. Yes.

Mr. HARDY of Colorado. As to new applications for pensions that are made now pensionable, when will their pension begin?

Mr. FULLER. From the filing of the application.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. FULLER. Yes.

Mr. PARKER of New Jersey. I want to know whether under this bill it is provided that if a young woman marries a veteran of the Civil War in his dotage and he lives two years she gets \$50 a month for her life?

Mr. FULLER. Under the bill, if a woman is married to a soldier prior to the 27th day of June, 1915, which extends the limitation to the date of marriage 10 years beyond the present law, she is entitled to a pension under this bill. If married after that date it is required she shall be legally married to the soldier and that she shall live with him at least two years and until his death.

Mr. PARKER of New Jersey. That is what I asked, if she marries him now and he lives two years she gets the pension of \$50 all her life?

Mr. FULLER. That is correct. I yield 10 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, I would not be opposed to this bill or to the conference report if we did not already have very liberal pension laws. But it seems to me this goes beyond the sphere of liberality and approaches prodigality. It is very difficult for anyone to determine just what additional charge this bill will impose upon the Treasury, but I think that it is safe to say that it will increase the annual pension bill of the Government \$100,000,000. Now, our Republican friends have been going to the country with a constant iteration and reiteration of the economy that they are effecting. We hardly have a debate upon appropriation bills but what some of the leaders upon that side boast of the economy effected by the Bureau of the Budget. Their constant reiteration of these things reminds me of the formula suggested by Doctor Coué, "Every day and every way I am getting better and better." Now, these gentlemen think that by paraphrasing that formula into saying, "Every day in every way we are economizing, we are economizing," they will make the country believe that they are doing it. I have a great deal of faith in Doctor Coué's formula if a man reforms his habits so that his habits of life and his habits of thinking are correct and along the right line, but I have very little faith in constant reiterating that "Every day and every way I am getting better and better" if I continue vicious habits of thought and deed. I must abandon the error of my way if I get better. Likewise, I have very little faith in this constant iteration and reiteration on the part of Republican leaders that "every day in every way we are economizing" when every day and every way you are coming in here bringing in bills and passing them which impose additional charges upon the Public Treasury. What does this bill really do? In the first place, it takes every Civil War veteran who is now upon the pension rolls, either under the general law or special bill, and pays him a service pension of \$72 a month instead of \$50. The pension is paid for service of 90 days or more during the Civil War and does not require that the soldier was disabled or injured in any way. What else does it do?

Mr. MOORE of Virginia. Will the gentleman allow me to interrupt him just for a moment?

Mr. BLACK. I will be glad to do so.

Mr. MOORE of Virginia. Does the gentleman recall when it was that the amount was made \$50? I think in the last three years.

Mr. BLACK. Oh, yes; within a shorter period than that, as I now recall. It has certainly not been very long, and Congress thought then we were passing a very generous pension law. And it was. Now, what else does this proposed new law

do? It takes every widow of a Civil War veteran who is now upon the pension roll, either under the general law or by a special bill, and increases her pension from \$30 a month to \$50 a month. It goes much further than that; it allows all widows who have married a Civil War veteran up to June 27, 1915, to apply for a pension and receive \$50 a month. The present law only gives those widows a pensionable status who married the Civil War veteran prior to June 27, 1905. Not only is the change made which I have mentioned above but the bill goes still further and says even if the widow marries a soldier since June 27, 1915, and has lived with him two years up to the time of his death, she shall be entitled to receive \$50 a month. Now, gentlemen, I want to call your attention to just how far going and how far-reaching and how discriminatory this widow provision is.

Under the war risk insurance act, which we enacted in 1917 to apply to veterans of the World War, the widow of a soldier who was killed in battle or who died from disabilities received in the service is paid \$25 per month plus the soldier's war-risk insurance, if he had any, and yet we are now asked to pass a law to pay the widow of a Civil War veteran, not for death caused by disability received in the service, not for death upon the field of battle, but death from the infirmities of age—we pay her \$50 a month. I am not going to lend my vote to any such rank discrimination and indefensible provision.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BLACK. I will yield.

Mr. DEMPSEY. Does not the gentleman recognize any distinction between the age and the infirmities of a widow of a veteran of the Civil War and the youth and ability to provide for herself of a widow of the recent war?

Mr. BLACK. I shall be very glad to answer that. The pension department, the Commissioner of the Bureau of Pensions, asked the Committee on Pensions to limit this increased widows' pension to widows who have reached the age of 70 years, but the committee did not do it. This conference report does not do it. Under the terms of this bill a young widow of a Civil War veteran, not over 20 years of age or 25, can draw \$50 just the same as if she was weighted down by the infirmities of age. Now, why did not the Committee on Pensions, if they wanted to make these pensions apply only to widows who were burdened with the infirmities of age, put in a provision limiting the increase to widows who had reached the age of 70?

Mr. DEMPSEY. Because I should imagine they did not think the arbitrary age of 70 years, not taking into account the infirmities or disabilities, was giving a fair measure of relief.

Mr. BLACK. Oh, the gentleman says he "imagines" the committee did not think so and so. This bill is not limited to what one might "imagine," but the language is definite and explicit and includes widows regardless of their age. They may be 20, they may be 70 years of age. Now, there is another bad provision in the bill, which I want to discuss briefly.

Mr. DEMPSEY. But, as a matter of fact, generally speaking, it applies only to those who are weighed down by age and infirmities.

Mr. BLACK. I do not admit that fact. The bill applies generally.

Mr. DEMPSEY. I say as a matter of fact, not as to language. As a matter of fact and of application it does.

Mr. BLACK. Can the gentleman give us any statistics which will show the average age of the Civil War veterans?

Mr. DEMPSEY. I think, if the gentleman has ever seen a Grand Army of the Republic parade, he would not need any statistics.

Mr. BLACK. Oh, the widows do not parade. [Laughter.]

Mr. DEMPSEY. Oh, the widows as a rule are of the comparative age of their husbands.

Mr. BLACK. Another thing this bill has in it which I was about to mention a while ago, that the House has consistently refused to adopt, is that it recognizes a common-law marriage and removes the requirement of law which now requires proof of a ceremonial marriage, and permits the proof of a common-law marriage. I do not believe in our anxiety to let down the bars in pension legislation we should go so far as to recognize a common-law marriage. It would open up too wide a field for fraud.

Mr. BYRNES of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BYRNES of South Carolina. Can the gentleman state the cost of this little piece of legislation, if we pass it?

Mr. BLACK. I stated, before the gentleman from South Carolina came into the Hall, that it would be difficult to determine the cost, but I feel sure that it would be as much as \$100,000,000 a year.



Mr. BYRNES of South Carolina. I will tell the gentleman. It is the opinion of the Commissioner of Pensions, who has submitted the estimate to the Committee on Appropriations, that the probable additional raise by reason of the enactment of this bill is \$8,795,000 per month.

Mr. BLACK. I thank the gentleman for his information. He is a member of the Appropriations Committee and speaks with authority. The figures which he gives, computed upon an annual basis, would mean an increase in the Nation's pension bill of \$105,540,000. This would be \$5,540,000 more than I stated was my approximate estimate a while ago.

Already we have a pension bill of \$255,000,000 annually. This addition will make it \$360,000,000 hereafter; and add this amount to the amount which Congress will appropriate for compensation to World War veterans, vocational education, and other obligations of a similar nature which we must meet, one can readily see we will soon have an expenditure of \$1,000,000,000 per annum for the Pension Bureau and the United States Veterans' Bureau.

We should be liberal in pension legislation, but the bill covered by the present conference report goes entirely too far, and I shall vote against it.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK. Will the gentleman from Illinois [Mr. FULLER] yield 10 minutes to the gentleman from Mississippi [Mr. RANKIN]?

Mr. FULLER. I can yield him five minutes.

The SPEAKER. The gentleman from Mississippi is recognized for five minutes.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I can not support this conference report on the pension bill now before the House for a great many reasons. In the first place, it will add about \$100,000,000 extra burden to the taxpayers of America just at this time when the people are crying out for a reduction of expenditures and, in my humble opinion, its adoption simply means that there will never be a reduction in the amount annually spent for this purpose.

In 1876 Mr. Garfield said on this floor, during the debate on the pension appropriations bill which at that time amounted to \$27,936,209, that in his opinion we had "passed the maximum" in pension appropriations. What if Mr. Garfield should awake to-day and witness the passage of this bill, which carries more than ten times the amount which he thought at that time, 46 years ago, was the "maximum" to be expended for this purpose in any one year? And the end is not yet.

In 1921 the pension appropriations amounted to \$258,720,820.67. The next year the amount fell off about \$5,000,000. We thought then that surely we had passed the "maximum" and that the amount would steadily decline. But here comes this conference report which adds about one hundred millions of dollars to the present appropriation and runs the amount far above the "maximum" reached in 1921.

As a member of one of the pension committees I realize, possibly more clearly than some of the rest of you, that we are going at breakneck speed in the expenditure of money for pensions. I have fought these unnecessary increases on the floor of the House, but to no avail. Those of you whose constituents are to reap the vast and unprecedented benefits of this extravagant expenditure are going to vote to adopt this conference report, and unfortunately you are in the majority.

What is the effect of this conference report? In the first place, it increases the pensions of the Federal soldiers of the Civil War from \$50 to \$72 a month, or from \$600 a year to \$864 a year, which is more than one of these men could make if he were young and able-bodied. It was stated upon the floor of the House on yesterday that the average farmer in the United States is making less than \$500 a year, and that statement was not contradicted or questioned. Indeed, it could not be questioned by anyone familiar with the conditions of the farmer at this time. If he is a tenant, out of that \$500 he must pay his rent, amounting to from one-fourth to one-half of his entire crop; if he is a landholder, he must pay his taxes out of it, together with the "upkeep" of his farm, and in addition to that the interest on the money he owes. For it is well known to every man in this body who has taken the trouble to investigate the proposition that a vast majority of the farmers of this country have been compelled to mortgage their farms, and on those mortgages they must pay interest of from

6 to 15 per cent. A vast majority of those who are going to vote for this conference report voted also for the ship subsidy bill, which, in addition to giving to the Shipping Trust a direct subsidy of \$30,000,000 a year out of the Federal Treasury, together with an indirect subsidy out of the pockets of the American people of from \$50,000,000 to \$100,000,000 a year, proposed also to advance the shipping interests operating money at less than 3 per cent interest. But when it comes to the passage of laws to enable farmers to get cheaper money you seem to regard it as a matter of too small concern to engage the attention of this administration. No wonder there was such a political revolution in the agricultural States during the recent campaign.

The farmers appealed to you to put a stop to profiteering in manufactured articles and bring the cost of those commodities down to within their reach, but you answered that by the passage of a tariff bill that will take from the tolling masses of America from three to four billions of dollars a year and pour it into the pockets of the manufacturer. As a distinguished Senator said, in discussing that iniquitous bill, "You levied a tax on everything the workingman buys, from the swaddling clothes of infancy to the lining of the coffin in which old age is laid away."

They appealed to you to assist them, through the Bureau of Markets, in getting a reasonable price for their products by bringing them more nearly in direct contact with the consumers and eliminating the profiteers in agricultural products, and you answered that by repealing the excess-profits tax and relieving those profiteers of a tax of \$450,000,000 annually, which now must be made up by the masses of the American people themselves.

They have implored you to accept Henry Ford's offer and turn the Muscle Shoals project over to him in order that he might give work to the unemployed and at the same time bring down the cost of fertilizer by manufacturing that article in competition with the Fertilizer Trust. But you answered that by saying that it would be too much a financial sacrifice, and then bring in this bill in which you propose to give away every year practically as much money as the Muscle Shoals project has cost.

Under this bill a woman may marry an ex-Federal soldier to-day, or five years from to-day, and live with him two years, and at his death she will be placed on the pension roll for the balance of her life at \$50 a month, even though she may have been born 40 years after the war closed. There are 78,313 more widows on the roll now than there are soldiers, and if this conference report is adopted we will be paying these young women who are marrying these old men for the next 50 or 75 years. There are now 49 widows drawing pensions as a result of the War of 1812, which has been closed for practically 110 years.

You are eliminating the marriage qualification, as suggested by the gentleman from Texas [Mr. BLACK], and substituting therefor the common-law marriage, a thing never before attempted in the passage of a pension bill so far as I have been able to ascertain. But you are even going further and eliminating the property qualification and paying this increase to men and women who are not in need of it, but to some who are immensely wealthy.

Of course, I am from the South, where our old soldiers do not get Federal pensions. Those brave men who wore the gray and who gave to the world those examples of heroism, patriotism, and self-sacrifice during the terrible period of the Civil War, and saved our southern civilization from destruction at the hands of the vandals of reconstruction, have struggled along on small pensions of \$10, \$15, \$20, or \$25 a month until they have redeemed the South from her once dilapidated and deplorable condition. They have set an example that it would be well for the rest of the country to follow, if you expect to preserve the Republic in the years to come.

If the precedent set by this conference report is carried to its logical conclusion it will only be a matter of a few years till you will have 5,000,000 names on the pension roll, entailing a burden that will be far too heavy for the American people to bear. By the adoption of this report you are setting a precedent that will rise up to smite you or your successors in the years to come. I for one refuse to accept that responsibility; I shall vote against the adoption of the conference report. [Applause.]

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes; I yield to the gentleman from Alabama.

Mr. BANKHEAD. What is the occasion for this extraordinary procedure? What justification is there for it? What facts are presented at this time to justify this extraordinary raise?

Mr. RANKIN. Absolutely none. I have heard it referred to as a Christmas gift even among the Members of the House.



There is no reason for it, and a vast majority of the Members know that it ought not to pass, but they have not the moral courage to stand up and say no. [Applause.]

Mr. FULLER. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. LANGLEY].

The SPEAKER. The gentleman from Kentucky is recognized for 10 minutes.

Mr. KNUTSON. Mr. Speaker, will the gentleman from Kentucky yield for a question?

Mr. LANGLEY. No; I will have to decline to yield to my good friend from Minnesota, much as I regret to do so, because I am limited as to time and have more to say than the time allowed to me will admit of.

I spent nine of the best years of my life as an examiner in the Pension Office and as a member of the Board of Pension Appeals, and I think I know something about the situation with regard to the administration of the pension laws and the difficulties in their administration which this bill is designed in part to remove. I will not go into detail with regard to these matters, not only because of my limited time but likewise because of the severe hoarseness with which I am suffering, but I can not refrain from calling attention to the fact, at least, that while it is a liberal bill, it is in line with the record which I have made in behalf of the soldiers and sailors of all wars and their widows and dependents during my years of service in this body and of which I am proud. [Applause.] The old soldiers for whose benefit this bill is primarily designed, and in the preparation and reporting of which I am proud to say I took part, are dying now at the rate of one every 15 minutes. I have no doubt that some old hero of the Republic is breathing his last at this moment; and the same is true of many of the old widows who are increased under the provisions of this bill to \$50 a month.

I can not express to you, gentlemen of the House, how proud I am of the privilege of supporting this measure, and of the privilege which the people of my district have given me of aiding in its preparation. The average age of the old soldiers is now more than 78 years, and all this talk from gentlemen on the other side of the House about this provision in behalf of the widows opening the way to indiscriminate marriages is tommyrot and nonsense. Now and then an abuse of the privilege might occur, but in the main it will result in justice to the thousands of women who have married the soldiers in good faith and who have been loyal to them to the day of their death. The truth of the matter is that this bill, agreed upon by the conference committee of which I was a member, is in fact in large measure the same bill which the House passed a few days ago as a substitute for the Senate measure. I do not wish to claim undue credit in this connection, because I think my record in Congress all these years will show that I have done everything I could for the soldiers and the widows of soldiers and their dependents of all wars, but gentlemen of the House, especially on the Democratic side, have inveighed against the bill on grounds which they should have presented when the House bill was up for consideration as a substitute for the Senate bill and which was practically agreed to by the Senate conferees with minor modifications.

I wish I had the time and the voice to answer the arguments that have been presented, especially by the gentleman who spoke a few moments ago, but I have not. I wish to renew my statement that the proudest memory of my public life in Congress has always been that I have never missed an opportunity to help give the old boys and their widows what they deserve. [Applause.]

The rates which we allow in this bill are not as much even as we have been allowing recently to soldiers who fought in other wars. I have no objection to that; but, on the contrary, have aided in liberalizing these laws as to compensation to soldiers who served in the World War, but we must remember that these old fellows and their widows are fast disappearing from the earth, and while it will cost quite a sum of money for a year or so, they will soon be only a precious memory to us, and I for one am willing to retire from Congress if my attitude on this question is not approved by the people of my district.

Mr. BLACK. Will the gentleman yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON]?

Mr. FULLER. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, I favor the utmost liberality toward our former soldiers, but I do not think we ought to discriminate between the soldiers of the various wars. What I object to in our pension legislation is the inequalities of it. Soldiers of the World War receive what we choose to entitle "compensation," but, of course, it is a pension. The totally disabled

soldier of the World War gets \$80 a month. I am willing to concede that a Civil War soldier has, by virtue of his age, now become and should be regarded as totally disabled, and I am wondering why he should not also receive \$80 a month. A totally disabled Spanish War soldier is allowed a pension of only \$30 a month. I am wondering upon what footing World War soldiers and Civil War soldiers may be considered to stand to entitle them to such a great advantage above the Spanish War soldiers.

The widow of a Civil War soldier, by this bill, is allowed \$50 a month, upon the theory that her husband's life was shortened by his service. The widow of a World War soldier gets only \$25 a month, while the widow of a Spanish War soldier gets only \$20 a month. The minor children of Civil War soldiers get \$6 a month each. The minor children of World War soldiers get \$7.50 to \$10 per month, while the children of Spanish War soldiers get only \$4 a month.

Upon what sound basis do these inequalities rest? Are pensioners of one war more worthy than those of another war, or is it a purely fanciful, arbitrary, and unjustified discrimination? So far as I can see, the only basis of the difference is the political strength of the several groups. The fact that certain groups are organized and are able to make their voice heard by Members of Congress is, so far as I know, the only reason why they are preferred above other groups.

It just so happens that I served for six months as a volunteer private soldier in the Spanish War. I do not claim for myself any great merit because of that fact; but surely, gentlemen, I am entitled to just as much credit for having been a soldier in the Spanish War as I would be for the same service in the Civil War or in the World War. I can not believe that my comrades of the Spanish War are less worthy than soldiers of other wars.

What we ought to do is to get down upon a basis of equality in our recognition of the men who have served the country. I challenge any member of this committee or anybody else who chooses to deal with the subject to show why we should not deal with soldiers of all wars upon a basis of equality and without discrimination. That is all that I rose to say. [Applause.]

Mr. BLACK. Will the gentleman from Illinois [Mr. FULLER] yield five minutes to the gentleman from Virginia [Mr. MOORE]?

Mr. FULLER. I will yield five minutes to the gentleman from Virginia.

Mr. MOORE of Virginia. Mr. Speaker, I ask to have read at the Clerk's desk the remarks made by the late Mr. Mann of Illinois when a bill was under consideration here in January, 1920, proposing an increase of service pension to \$50 a month.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Mr. MANN of Illinois. Most of these pensions are paid in the North. Some are paid abroad. Some are paid in the South. Some of the Southern States provide for the payment of pensions, small in amount. The total does not amount to a great deal. We in the North have taught our old soldiers to believe that they need not rely upon self-effort, while the old soldiers of the South were taught to believe that they must rely upon self-effort. So far as my observation goes, they have done quite as well or better in private life than our old soldiers in the North have done. If we teach people to be self-reliant, that is the most valuable lesson that can come to mankind. We are proposing not only to pauperize the soldiers of the Civil War but to advertise to those who served in the recent war that the Government of the United States will support them and that they do not need to work for themselves. They do not ask for it, but in the course of time, with that education, it has its effect, and it is a bad effect. [Applause.]

[Applause.]

Mr. FULLER. Mr. Speaker, this bill, as it appears in the conference report, is almost precisely as it passed this House under suspension of the rules by more than a two-thirds vote. I think the opponents of the measure have had ample time in which to discuss the matter here now, and I am very glad to give them that time. I think enough has been said, and I move the previous question.

Mr. BLACK. I had promised the gentleman from Mississippi [Mr. LOWREY] that I would seek to get him five minutes. The gentleman will not save any time by moving the previous question now. Will the gentleman yield five minutes?

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FULLER. I yield to the gentleman from Ohio for a question.

Mr. FITZGERALD. Mr. Speaker, we have met in the Pension Bureau continuous rulings that a soldier must have had an honorable discharge from every service. This House in repeated special bills has determined that soldiers are entitled to pensions if they served honorably in their last service, and many such bills have been passed by the committee and this House. I should like to ask the chairman of the committee [Mr. FULLER] whether there has been any change in the language of this bill



which will compel or warrant the Pension Bureau in conforming in its rulings to the interpretation placed upon the law by the House and its Invalid Pensions Committee?

Mr. FULLER. The language of the first section of this bill is substantially the same as it has been in every service pension bill since the first one passed in June, 1890; that is, that if a man served for 90 days or more and was honorably discharged from that service he was entitled to a pension under the act. This bill contains substantially the same language that has been in every service pension bill. It is true that the Pension Bureau had interpolated into the law the requirement that a man must have been discharged honorably from every other service, either before or after the service on which he claims. They have even gone so far as to decide that where a man served faithfully for the three years under his first enlistment and was honorably discharged from that service and then again enlisted as a veteran and served faithfully clear through the war, if he then happened to go home without the formality of getting a discharge from his last service the Pension Bureau has refused to recognize his honorable discharge from the three years' service and has denied him a pension. I do not think that is or ever was the law. I do not think that the law justifies any such ruling. My judgment is, and I have always insisted, that where a man served 90 days or more during the Civil War and was honorably discharged from such service the Pension Bureau had no right to go back and inquire whether he had some prior service or some subsequent service from which he was not honorably discharged. The law does not say that he must have been honorably discharged, not only from the service under which he claims but also from every former or subsequent service. Under this bill, if it should be enacted into law, there can be no possible doubt, from a legal standpoint, that every man who served 90 days or more during the Civil War and received an honorable discharge from that contract of service is entitled to the pension provided, regardless of any former or subsequent service.

Mr. FITZGERALD. I agree with the gentleman. Will the chairman permit another question? In view of the fact that we all now know that this interpretation will be put upon the law by the Pension Bureau, would it not be wise to interpolate into this present act such language as would indicate that we desire that the construction which this House intends be placed upon the act by the Pension Bureau?

Mr. FULLER. Of course, the gentleman understands that this bill has gone beyond the amending stage. The only question now is the adoption of this conference report. The Senate passed one bill, the House amended it by substituting an amended bill, and the conferees have agreed and now report the completed bill. Therefore it is too late to consider any amendments to the bill as presented by this report. It may not be a perfect bill. I do not know, and I do not think anyone knows, just how to draft a perfect bill that would do equal and exact justice in every case, or that would be entirely satisfactory to every one. The committee has done the best it could, and now it is of the utmost importance that this bill should become a law at the earliest possible date. It will be a fitting present for the grand old veterans and widows and will make a happy Christmas in thousands of American homes. These old veterans are fast passing away, and in only a few years there will be but a mere handful of that grand army of the Union to tell the story of heroism, of the battles and the weary march, the privations and sufferings of that titanic contest for the preservation of the Union. This is undoubtedly the last act of the Congress for the recognition of what the country owes to its gallant defenders and the dear old widows of those who have pitched their tents on the other shore. Let us hark back to the dark days when the Union was in peril, when the boys of the North were baring their breasts to the hail of leaden bullets, and then to the glad time of the grand review here in the Capital City, when these brave boys came marching back and let us look again at the great banner then stretched across the Capitol front containing the words:

The only debt we can never pay is the debt we owe to our victorious Union soldiers, sailors, and marines.

Whatever of that debt we are ever to pay will be paid now by the enactment of this most just and truly generous measure. Loyal men and women all over the land will applaud our act, and let me tell you now that there is no money ever appropriated by Congress for any purpose that does so much real good as that we appropriate for pensions to the aged veterans and widows. Every dollar of it goes into immediate circulation in every town and hamlet of the land, so that it benefits many besides the immediate beneficiaries. I hope this conference report may be approved to-day, so that the bill can go

to the President and receive his approval before the coming holidays.

Mr. BLACK. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. LOWREY] may have leave to extend his remarks in the Record on this conference report.

The SPEAKER. The gentleman from Texas asks unanimous consent that the gentleman from Mississippi may have leave to extend his remarks on this conference report. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record on the conference report. Is there objection?

There was no objection.

Mr. FULLER. Mr. Speaker, I ask unanimous consent that all Members who desire may have five legislative days in which to extend their remarks on this conference report in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all Members may have five legislative days in which to extend their remarks. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I object to the general leave.

The SPEAKER. The gentleman from Tennessee objects.

Mr. BLACK. We have only one more speech on this side if leave can be granted to the gentleman from Mississippi [Mr. QUIN].

Mr. FULLER. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, all this hurry to get through this bill which taxes the people \$8,000,000 a month is unseemly. It looks to me that the House might hesitate a few moments before gonging the people to that amount. [Laughter and applause.] The people of the United States know that the Congress has been liberal in pension matters to the soldiers of the various wars, except the Spanish-American War. There is not a man who will stop and think but that knows that a service pension of \$50 a month, under the existing law for the soldiers of the Civil War, is ample. Not only that but this bill provides \$72 a month pension to every man whether he smelled gunpowder or not, if he was an enlisted man. The bad feature of it is that you have increased the marital part so that a woman who is married to an old soldier up to 1915 can draw \$72 a month.

SEVERAL MEMBERS. Fifty dollars a month.

Mr. QUIN. Women who have married old soldiers for the express purpose of getting this pension—and there are thousands of them—have been born since the war was over in 1865 and then have married these old soldiers. These young women will continue to draw that pension for the rest of their natural lives. And yet there is a great hue and hurrah about putting this through, when everybody knows that the people of the United States are shouting for us to stop this excessive burden of taxation. And yet you are proceeding with such measures that necessitate the paying out of millions of dollars. This one bill will yearly take \$96,000,000 increase from the Treasury, and everything else in the same proportion. You come before the people and say you are curtailing the expenses of the Government. This measure should not pass this House. I believe in being just to the men who defended the country's flag; but when you increase the pension from \$50 a month to \$72 a month, with all the trimmings that go with it, you are committing a wrong against the taxpayers of this Republic. It is 50 years since the war ended, and you have a tax bill here of \$375,000,000 a year for pensions for the men and their widows. Can it be possible that we are going now to increase it to that extent? Your great and lamented distinguished leader on your side, Mr. Mann, of Illinois, made some remarks which have just been read at the desk, and his stand ought to penetrate into your intellects. This is not a question of the heart; it is a cold-blooded question of what is right under the law. It is a cold-blooded right to the 110,000,000 people of this Republic to have their Government economically administered. We ought not to legislate for a special class and say that they shall have all this unequal share given to them out of the Treasury of the United States. What are you going to say—and it will be bound to come from all of these 4,500,000 soldiers of the late World War—what are you going to say when they come forward and ask for this same classification? They will say you did it unto those who fought from 1861 to 1865—even to those who only fought for 60 days—and why can not you give it to us who went over the seas and fought the enemy on foreign soil? [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.



Mr. FULLER. Mr. Speaker, I move the previous question. The question was taken, and the previous question was ordered.

Mr. BLACK. Mr. Speaker, I move to recommit the conference report to the committee of conference.

The question was taken; and on a division (demanded by Mr. BLACK) there were 44 ayes and 93 nays.

Mr. BLACK. Mr. Speaker, I object to the vote just taken on the ground that no quorum is present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 66, nays 183, answered "present" 1, not voting 180, as follows:

## YEAS—66.

Abernethy	Dupré	Knutson	Rankin
Anderson	Fisher	Kraus	Rouse
Aswell	Gahn	Lanham	Sanders, Tex.
Bankhead	Garner	Lankford	Sandlin
Black	Garrett, Tenn.	Larsen, Ga.	Sisson
Bland, Va.	Garrett, Tex.	Lee, Ga.	Steagall
Blanton	Gerner	Logan	Stevenson
Bowling	Gilbert	Lowrey	Summers, Tex.
Box	Goldsborough	Mansfield	Turner
Buchanan	Hardy, Tex.	Martin	Upshaw
Burness	Hill	Moore, Va.	Vinson
Burton	Hooker	Newton, Minn.	Ward, N. C.
Byrnes, S. C.	Hudspeth	Oldfield	Wilson
Byrns, Tenn.	Jeffers, Ala.	Oliver	Woods, Va.
Collier	Johnson, Ky.	Perkins	Wright
Davis, Tenn.	Jones, Tex.	Pou	
Doughton	Kincheloe	Quin	

## NAYS—183.

Ackerman	Favrot	Kopp	Rhodes
Andrew, Mass.	Fenn	Kreider	Ricketts
Andrews, Nebr.	Fields	Lampert	Roach
Anthony	Fitzgerald	Langley	Robison
Appleby	Focht	Larson, Minn.	Rogers
Arentz	Foster	Lawrence	Rose
Atkeson	Frear	Lazaro	Rucker
Bacharach	Free	Lea, Calif.	Sanders, Ind.
Barbour	French	Leatherwood	Scott, Tenn.
Barkley	Fuller	Lehlbach	Shelton
Beck	Funk	London	Sinclair
Beedy	Gifford	Longworth	Sinnot
Begg	Glynn	Luhning	Smith, Idaho
Benham	Graham, Ill.	McArthur	Smithwick
Bird	Graham, Pa.	McClintic	Snell
Bixler	Greene, Mass.	McCormick	Speaks
Bowers	Greene, Vt.	McFadden	Stephens
Bulwinkle	Hadley	McKenzie	Strong, Kans.
Burdick	Hardy, Colo.	McLaughlin, Mich.	Strong, Pa.
Burroughs	Haugen	McLaughlin, Nebr.	Summers, Wash.
Butler	Hawes	McPherson	Swank
Cable	Hawley	MacGregor	Sweet
Campbell, Pa.	Hayden	MacLafferty	Temple
Carter	Hays	Madden	Thomas
Chalmers	Hersey	Magee	Thorpe
Chandler, N. Y.	Hickey	Mapes	Tilson
Chindblom	Hicks	Merritt	Timberlake
Christopherson	Himes	Michener	Tincher
Clague	Hoch	Miller	Towner
Clouse	Huck	Montoya	Treadway
Cole, Iowa	Huddleston	Moore, Ind.	Tyson
Colton	Hukriede	Morgan	Vestal
Cooper, Wis.	Hull	Morin	Wason
Crago	Humphrey, Nebr.	Murphy	Watson
Cramton	Husted	Nelson, A. P.	Webster
Curry	Ireland	Nelson, J. M.	White, Kans.
Dallinger	Jeffers, Nebr.	Newton, Mo.	White, Me.
Darrow	Johnson, Wash.	Norton	Williams, Ill.
Dempsey	Kelly, Pa.	Parks, Ark.	Williamson
Denison	Kendall	Petersen	Wingo
Dickinson	Ketcham	Porter	Winslow
Dowell	King	Pringley	Wood, Ind.
Driver	Kissel	Purnell	Woodruff
Elliott	Kline, N. Y.	Radcliffe	Wyant
Evans	Kline, Pa.	Raker	Young
Faust		Reed, W. Va.	

## ANSWERED "PRESENT"—1.

## Copley

## NOT VOTING—180.

Almon	Clark, Fla.	Dunn	Henry
Ansorge	Clarke, N. Y.	Dyer	Herrick
Bell	Classon	Echols	Hogan
Blakeney	Cockran	Edmonds	Humphreys, Miss.
Bland, Ind.	Codd	Ellis	Hutchinson
Boies	Cole, Ohio	Fairchild	Jacoway
Bond	Collins	Fairfield	James
Brand	Connally, Tex.	Fess	Johnson, Miss.
Brennan	Connolly, Pa.	Fish	Johnson, S. Dak.
Briggs	Cooper, Ohio	Fordney	Jones, Pa.
Britten	Coughlin	Freeman	Kahn
Brooks, Ill.	Crisp	Frothingham	Kearns
Brooks, Pa.	Crowther	Fulmer	Keller
Brown, Tenn.	Cullen	Gallivan	Kelley, Mich.
Browne, Wis.	Dale	Gensman	Kennedy
Burke	Davis, Minn.	Goodykoontz	Kless
Campbell, Kans.	Deal	Gorman	Kindred
Cannon	Dominick	Gould	Kirkpatrick
Cantrill	Drane	Green, Iowa	Kitchin
Carew	Drewry	Griffin	Klecza
Chandler, Okla.	Dunbar	Hammer	Knight

Kunz	Ogden	Rosenbloom	Taylor, Colo.
Layton	Olpp	Rossdale	Taylor, N. J.
Lee, N. Y.	Osborne	Ryan	Taylor, Tenn.
Lineberger	Overstreet	Sabath	Ten Eyck
Linthicum	Paige	Sanders, N. Y.	Thompson
Little	Park, Ga.	Schall	Tillman
Luce	Parker, N. J.	Scott, Mich.	Tinkham
Lyon	Parker, N. Y.	Sears	Tucker
McDuffie	Patterson, Mo.	Shaw	Underhill
McLaughlin, Pa.	Patterson, N. J.	Shreve	Valle
McSwain	Paul	Siegel	Vare
Maloney	Perlman	Slemp	Voigt
Mead	Rainey, Ala.	Smith, Mich.	Volk
Michaelson	Rainey, Ill.	Snyder	Volstead
Mills	Ramseyer	Sprout	Walters
Mondell	Ransley	Stafford	Ward, N. Y.
Montague	Rayburn	Stedman	Weaver
Moore, Ill.	Reber	Steenerson	Wheeler
Moore, Ohio	Reece	Stiness	Williams, Tex.
Mott	Reed, N. Y.	Stoll	Wise
Mudd	Riddick	Sullivan	Woodyard
Nelson, Me.	Riordan	Swing	Wurzbach
O'Brien	Robertson	Tague	Yates
O'Connor	Rodenberg	Taylor, Ark.	Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Collins (for) with Mr. Cullen (against).

Mr. Copley (for) with Mr. Cooper of Ohio (against).

Mr. Brand (for) with Mr. Thompson (against).

Mr. Johnson of Mississippi (for) with Mr. Moore of Ohio (against).

Until further notice:

Mr. Burke with Mr. Almon.

Mr. Davis of Minnesota with Mr. Linthicum.

Mr. Osborne with Mr. Crisp.

Mr. Fordney with Mr. Rainey of Illinois.

Mr. Mondell with Mr. Carew.

Mr. Wurzbach with Mr. Montague.

Mr. Brooks of Illinois with Mr. Humphreys of Mississippi.

Mr. Dunn with Mr. Taylor of Colorado.

Mr. Patterson of New Jersey with Mr. Kindred.

Miss Robertson with Mr. Weaver.

Mr. Taylor of Tennessee with Mr. Bell.

Mr. Snyder with Mr. Lyon.

Mr. Kahn with Mr. McDuffie.

Mr. Johnson of South Dakota with Mr. Stedman.

Mr. Edmonds with Mr. Clark of Florida.

Mr. Hutchinson with Mr. O'Brien.

Mr. Olpp with Mr. Dominick.

Mr. Reed of New York with Mr. Riordan.

Mr. Frothingham with Mr. Kitchin.

Mr. Ramseyer with Mr. Williams of Texas.

Mr. Ellis with Mr. Kunz.

Mr. Shreve with Mr. Rayburn.

Mr. James with Mr. Deal.

Mr. Browne of Wisconsin with Mr. Briggs.

Mr. Kiess with Mr. McSwain.

Mr. Bond with Mr. Drane.

Mr. Paige with Mr. Sabath.

Mr. Keller with Mr. Griffin.

Mr. Swing with Mr. Tague.

Mr. Reece with Mr. Cockran.

Mr. Lee of New York with Mr. Tucker.

Mr. Michaelson with Mr. O'Connor.

Mr. Taylor of New Jersey with Mr. Cantrill.

Mr. Dunbar with Mr. Mead.

Mr. Britten with Mr. Drewry.

Mr. Codd with Mr. Gallivan.

Mr. Mudd with Mr. Sullivan.

Mr. Smith of Michigan with Mr. Jacoway.

Mr. Vare with Mr. Tillman.

Mr. Patterson of Missouri with Mr. Wise.

Mr. Brennan with Mr. Hummer.

Mr. Cole of Ohio with Mr. Sears.

Mr. Ransley with Mr. Fullmer.

Mr. Moore of Illinois with Mr. Connally of Texas.

Mr. Chandler of Oklahoma with Mr. Overstreet.

Mr. Voigt with Mr. Stoll.

Mr. Underhill with Mr. Park of Georgia.

Mr. Lineberger with Mr. Taylor of Arkansas.

Mr. Echols with Mr. Rainey of Alabama.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FULLER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.



Mr. RICKETTS. Mr. Speaker, my colleague, the gentleman from Ohio [Mr. COOPER], has a live pair on this conference report. He requested me to say that if he had been present he would have voted for the conference report, but he is unavoidably kept away.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

#### TRUCKS AND GOOD ROADS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to proceed for half a minute in order to make an announcement that I think will be of interest to the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, to those who are interested in good roads, and I think that includes all of us, I desire to announce that to-morrow morning at 9.30 o'clock, on the Connecticut Avenue Bridge and at the other side of it, there will be an exhibition of a caterpillar tractor which I believe will be of genuine interest. It is something that has grown from the tank development of the war, which it is believed will go a long way toward solving the problem of using the truck on the highway without utter destruction of the road. It is to be exhibited to-morrow morning before the Army and Navy representatives, because, if successful, it will be of very great importance in time of war. I believe that every Member of the House will be interested in the demonstration, owing to the great interest it holds for the important subject of good roads as well as for the national defense. I hope that there may be a very large attendance of Members at the demonstration.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. ANDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. HICKS in the chair.

The Clerk reported the title of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. When the committee rose last evening a point of order of no quorum had been made. Just prior to that the question of ordering tellers had been taken and tellers were refused. The taking of tellers disclosed the fact that there was no quorum present, and thereupon I made the point of order of no quorum. Have I now the right to renew the request for tellers?

The CHAIRMAN. The Chair has already taken under consideration the situation in which the committee finds itself, due to the inquiry of the gentleman from Washington. In the interest of orderly procedure and applying the rule as the Chair interprets it, the Chair thinks that the committee should now revert to the point in its procedure where the voting commenced on the amendment offered by the gentleman from Washington and that the several votes taken on the amendment be considered void. The Chair feels that when a vote is taken to which objection is made, due to the absence of a quorum, the matter rests in the same state, so far as voting is concerned, in which it was in before the vote was taken. Should the committee rise when the point of no quorum is made, action must be resumed at this point when the bill is again considered. The Chair fortifies his position by a decision of Chairman TILSON on March 16, 1920, and by one of his own on December 5, 1919. The Chair therefore holds that the question now before the committee is on the amendment offered by the gentleman from Washington, which, without objection, the Clerk will again report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 4, line 14, strike out the figures "\$5,000" and insert in lieu thereof the figures "\$3,500."

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent, inasmuch as the amendment standing by itself means nothing, that I may proceed for three minutes.

The CHAIRMAN. From the opinion just rendered it might seem to follow that by declaring void the vote taken yesterday the amendment would now be open for further debate and that the parliamentary situation would be the same as if no vote

had actually been registered. While the Chair holds that the cancellation of the vote renders void the disposition of the amendment under that vote, he can not concede that this cancellation erases the fact that voting had commenced. A vote had been taken, and this would indicate to the Chair that debate had been exhausted; otherwise further discussion would have been engaged in and the vote would not have been taken when it was. In the opinion of the Chair the purpose of the rule by which votes are avoided when objected to because of the absence of a quorum is to protect the committee against action by a minority; it is to protect the right of every Member to have propositions passed upon in the presence of a quorum. In the opinion of the Chair when that protection has been afforded no further rights arise under the rule. The rule applies only to the reconsideration of the vote and does not apply to the reconsideration of the time for debate. If further discussion is to be permitted is it not competent to ask why additional time should accrue because of the absence of a quorum, when the presence of a quorum would have disposed of the amendment without further debate? Why should the absence of a quorum give advantages and permit additional time which the presence of a quorum would have denied? The Chair finds a recent ruling which bears out his contention. It was rendered by Chairman WALSH on January 25, 1921, when the sundry civil bill was under consideration. On the previous day the question was taken and the result announced on a pending amendment. A division was had and the result of this vote was announced. Then a point of no quorum was made and sustained, whereupon the committee rose. The debate on the amendment had not been closed by motion or agreement. On the following day when the amendment was again reported a motion to strike out the last two words was made. In denying the right of further debate the Chair said: "The Chair will state that debate upon this amendment is exhausted. The question had been put and the point of no quorum was raised and the committee rose." The present Chairman feels that that ruling was correct and will rule in this instance that the debate has been exhausted and can proceed only by unanimous consent.

Mr. DOWELL. But a Member has the right to the floor until the vote has actually been concluded.

The CHAIRMAN. The Chair feels that the debate has been exhausted and that further time to discuss it can only be had by unanimous consent. Is there objection to the request of the gentleman from Washington?

Mr. ANDERSON. Mr. Chairman, reserving the right to object, I assume that I am entitled to close debate upon the item. If the gentleman from Washington will agree that I may have three minutes to close debate, I have no objection.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may be allowed to debate the amendment for three minutes. Is there objection?

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry. If the vote is set aside by the Chair on his ruling, and it is reopened again for another vote, then the position of the Chair would be incorrect, because no vote has been taken at all, and the gentleman from Washington, the question being reopened, is now entitled to five minutes, the same as if no action had been taken.

The CHAIRMAN. The Chair realized that this was a matter that might come up this morning. The parliamentarian and the Chair have been endeavoring to ascertain what the situation would be, and from what has been done in the past the Chair has concluded that the best solution and the most orderly procedure will be to consider that the time for debate upon the amendment has terminated and that further debate upon it can be had only by unanimous consent. If that ruling be incorrect and not in accordance with the views of the committee, the Chair would be very glad to have the committee determine the matter.

Mr. BLANTON. Mr. Chairman, I submit the point of order that if we had had no vote yesterday evening, it would have been in order on this amendment pending for any member of the committee to move to strike out the last word, which would give him five minutes' debate. The Chair having held correctly, following all of the precedents, that there was no vote yesterday evening, that that vote did not come to a conclusion, then the matter would stand in exactly the same position as if there had been no vote attempted. Therefore, I make the point of order that the gentleman from Washington [Mr. JOHNSON] would be in order if he should move to strike out the last word, which would give him five minutes.

Mr. SANDERS of Indiana. Mr. Chairman, no such case is presented to the House. The gentleman from Washington has asked unanimous consent to proceed for three minutes. How



can a point of order lie as to what the gentleman might do if he were to move to strike out the last word?

The CHAIRMAN. Does the gentleman make the point of order?

Mr. BLANTON. As five minutes' time is not insisted upon by the gentleman from Washington, I withdraw the point of order.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that he may be permitted to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, the amendment provides that on page 4, line 14, we strike out the figures "\$5,000" and insert "\$3,500," so that it will read: "Offices of editorial and distribution work. Assistant in charge of editorial office, \$3,500." I stated yesterday that the reason for placing it here was to place an assistant, paid from a lump-sum appropriation, in the position of chief, to all intents and purposes as assistant to the Secretary of Agriculture. In other departments the office is called assistant to Secretary with power to sign the name of the Secretary, thus getting around the organic act which creates the offices in the department. This is apparently to pay as assistant to somebody, to the Secretary with an office in the office of the Secretary of Agriculture in charge of editorial offices. Then you see they do not pay the assistant in charge of distribution as high a salary. The assistant in charge of the editorial office is paid more than the assistant in charge of the office of distribution. Then you get down here to editors, and they are out of all proportion to these chiefs. To all intents and purposes it is an attempt on an appropriation bill to create some office equivalent to that of Assistant Secretary. Now I have offered an amendment to reduce the pay of the assistant in charge of the editorial office from \$5,000 as proposed here to \$3,500, and if the motion prevails I shall go through this list of editorial assistants, who are head editors, and reduce them in proportion in the interest of economy and the management of that office. I yield back any time that may remain.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, after we have finished this item I shall undertake to make a statement as to just what is done under this paragraph, but in answer to what the gentleman from Washington says I would like to state that this place is an assistant in charge of the whole distribution activities of the department. This includes the editorial office under which all of the editorial work in connection with bulletins and reports of all sorts passes. It embraces the office in which all the mimeograph work is done. It includes the publications work of the department—

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. McLAUGHLIN of Michigan. Will the gentleman state—I have not heard—how much this officer is now receiving?

Mr. ANDERSON. He is now receiving \$5,000 on a lump-sum appropriation.

Mr. McLAUGHLIN of Michigan. Will the service be practically the same or greater than it was before?

Mr. ANDERSON. I will say it will be practically the same.

Mr. JOHNSON of Washington. Just another \$5,000 man coming up in his place?

Mr. ANDERSON. No.

Mr. JOHNSON of Washington. A \$3,500 man coming up in his place.

Mr. ANDERSON. I want to say another thing. The chief in charge of this office is, from the standpoint of the Members of the House and Senate particularly who deal with the department in connection with farmers' bulletins and who have daily requests for all sorts of information for which they have to ask the Department of Agriculture, an exceedingly important one. I have no predilection for \$5,000, but I think the importance of this place, both from the standpoint of the department and public and the Members of this House, justifies the salary which it is proposed to pay him. Mr. Chairman, I ask for a vote.

Mr. JOHNSON of Washington. Let us come down to the point. I ask the question if it is not understood that the Secretary of Agriculture proposes to bring one of his editors from one of the farm publications to take a \$5,000 job in his office?

Mr. ANDERSON. I do not know. If it is true, I have no knowledge of it.

Mr. JOHNSON of Washington. I will state that that is the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: On page 4, line 15, after the word "distribution," strike out "\$3,500" and insert "\$3,000."

Mr. JOHNSON of Washington. Mr. Chairman, that is another one of these places being created. This is an assistant in charge of distribution at \$3,500. Mind you, these are all assistants. Now, if we care to pay an assistant in charge of the whole office \$5,000, I am firmly of the opinion that in the interest of economy we ought to pay the assistant in charge of distribution not more than \$3,000, and that is the amendment I offer. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. JOHNSON of Washington. I have another amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 4, line 16, after the word at the beginning of the line, strike out "\$3,000" and insert in lieu thereof "\$3,500."

Mr. JOHNSON of Washington. I hope the membership will appreciate this amendment. It is an amendment to increase a salary. Inasmuch as an assistant is to get \$5,000, the proposition is to pay the chief editor \$3,500, instead of \$3,000, as provided for in the bill. I ask for a vote on that.

Mr. ANDERSON. Mr. Chairman, I rise in opposition to the amendment. This is an existing place under the statutory roll of the division of publications and now carries the salary of \$3,000 and I know of no reason why it should be increased. Now I would like to make a statement in reference to this particular paragraph. It would rather seem from the attitude of gentlemen yesterday and this morning that they are burdened with the idea that the Department of Agriculture is conniving with the Committee on Appropriations in a raid upon the Treasury by juggling offices and bureaus of the department and the appropriations for them.

I want to assure the gentleman that nothing of the kind is contemplated. I can appreciate the fact that, with the readjustments that are made in this appropriation bill gentlemen might very well entertain that opinion. If I had had the opportunity I should have made an attempt to explain these readjustments, along with the others, in an effort to make it perfectly clear just what is being done.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

Mr. ANDERSON. Let me first finish the statement.

The division of publications in the last Agricultural appropriation bill had an appropriation of \$299,900. In this paragraph we are dropping 12 places, aggregating \$9,000, representing an actual reduction in the force of the Department of Agriculture doing this work of \$9,000. Previously the division of publications included the office of exhibits and the office of motion pictures.

Those two activities are being taken out of the Division of Publications and put under what was formerly the States Relations Service, but now the Extension Service. That makes a further reduction in the appropriation of \$31,160. In addition, positions having salaries of \$5,000 are transferred from this item to a lump sum. There are brought into the appropriation four places, if my recollection is correct, amounting in the salaries that they cover to \$8,980. Altogether, these readjustments of the appropriations result in a total appropriation for the statutory roll of what was formerly the Division of Publications, now the Office of Editorial and Distribution Work, of \$263,270, as compared with \$299,900 last year. I want to make it perfectly clear, however, that of that reduction only \$9,000 represents a real reduction in the force, and that similar reductions are made in other offices and bureaus in the readjustments which amount to something like \$16,000, as I now recall.

Now I will answer the gentleman's question.

Mr. JOHNSON of Washington. I will take the floor.

Mr. ANDERSON. Mr. Chairman, I ask for a vote on the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.



Mr. JOHNSON of Washington. Mr. Chairman, I will say to the Members present that, of course, it is quite apparent that the various editing and printing amendments will not get anywhere, because most of the Members of the House are out at lunch or out on business, and those who are here are those who expect to support the committee. However, there is no harm in looking into what is apparently a consolidation of editorial and press agency service, which is to be under the eyes of the Secretary of Agriculture, and that apparently involves a saving, according to the chairman—and I do not dispute his claim, because I think he sees it that way—of about \$8,000 or \$9,000.

The minor inquiry I have been able to make—and I am not a member of the Committee on Agriculture; neither am I a member of any one of the subcommittees of the Committee on Appropriations—leads me to believe that the Subcommittee on Appropriations in charge of this bill is being imposed upon. They do not get the facts, apparently. I am afraid the reason is that those who have the facts are afraid to tell them. I think if you search a little you will find that there has already been added one editor down there at \$4,000, and there is no place for his salary to come from unless it is the lump sum. They say they have a \$5,000 editor. I think that probably the \$5,000 editor and the \$4,000 editor are one and the same, and that the real pay is \$4,000 and not \$5,000. There is a man down there in charge of the press service. What becomes of that job? This Department of Agriculture has a gigantic press service. It writes letters to Congressmen and gives out mimeograph copies before the Member gets the original. This is extraordinary if the bureau sees fit to attack some proposition of the Congressman.

Read some of these reports. Start with the report of the Secretary himself. He states what he has saved in printing. Good. The House of Representatives laid a foundation for him when it ordered publications consolidated and combined. I am glad he is bragging about it a little. I am also glad that the money has been saved.

In spite of that saving the printed agricultural information, numbered by pieces, has greatly increased—increased, I think, by 35 per cent. And here we have a consolidation of editorial activities put right up in the front, and it will not be more than a couple of years before those who are now doing it or helping to do it will be wondering how they got that powerful bureau established, and in the speeches yet to come there will be many a good knock at bureaucracy.

But in spite of the office of editorial and distribution work—and mind you this is a new bureau—we are proposing in this bill a real saving. Five positions in this bureau have been dropped—one messenger or laborer, at \$840; one messenger boy, at \$720; one messenger or laborer, at \$720; and two charwomen, at \$240 each, have been dropped. These positions have been dropped in accordance with the Secretary's desire to decrease the personnel. Five laborers, including two charwomen, at \$240, are cut off the pay roll in order that they may have a \$5,000 assistant over another assistant, who is to tell these editors how to grind out something for the farmer and the people. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise to oppose the pro forma amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I am with the gentleman from Washington [Mr. JOHNSON] in his effort to effect this economy. The membership of the House may not know it, but I have found out that the gentleman from Washington, as chairman of the Committee on Printing, has effected several very important reforms that have saved much money to the Treasury of the United States. But we have outvoted him here on this \$5,000 position for a bureau chief. On his amendment, the last vote that we took yesterday afternoon, the count stood 16 for and 16 against, 32 Members voting in a membership of 435 on a question of economy.

I know that the idea of a \$5,000 salary does not mean anything to the membership. We hear so much of bigger salaries that we have grown careless of what the amount really means. But I want to tell you that back at home among our people a \$5,000 salary is a pretty good salary.

We pass upon various high salaries. The people of the States pass upon the salaries that they shall pay their governors. Let me show you what the governors of the States are drawing. The Governor of Alabama draws \$5,000 a year. The Governor of Arkansas draws \$5,000 a year. The Governor of Colorado draws \$5,000 a year. The Governor of Connecticut draws \$5,000 a year. The Governor of Delaware draws \$5,000 a year. The Governor of Georgia draws \$5,000 a year. The Governor of Idaho draws \$5,000 a year. The Governor of Iowa draws

\$5,000 a year. The Governor of Kansas draws \$5,000 a year. The Governor of Maine draws \$5,000 a year. The Governor of Maryland draws \$4,500 a year. The Governor of Michigan draws \$5,000 a year. The Governor of Mississippi draws \$5,000 a year. The Governor of Missouri draws \$5,000 a year. The Governor of New Hampshire draws \$3,000 a year. The Governor of New Mexico draws \$5,000 a year. The Governor of North Carolina draws \$5,000 a year. The Governor of North Dakota draws \$5,000 a year. The Governor of Oklahoma draws \$4,500 a year. The Governor of Oregon draws \$5,000 a year. Mr. MCARTHUR. The Governor of Oregon draws \$7,500 a year.

Mr. BLANTON. Then it is a very recent increase. You want to get the Congressional Directory corrected. I am now reading from page 179 of the issue of July, 1922.

Mr. MCARTHUR. That is the fault of the directory, and not my fault.

Mr. BLANTON. I understand the increase in Oregon has just been granted. The Governor of South Carolina draws \$5,000 a year. The Governor of South Dakota draws \$3,000 a year. The Governor of Tennessee draws \$4,000 a year. The Governor of Texas draws \$4,000 a year. The Governor of Vermont draws \$3,000 a year. The Governor of Virginia draws \$5,000 a year. The Governor of Wisconsin draws \$5,000 a year. And the Governor of Wyoming draws \$4,000 a year.

Mr. MCARTHUR. Will the gentleman yield, Mr. Chairman?

Mr. BLANTON. In just a moment. So you see, \$5,000 a year salary to the people back home in a whole lot of these States seems to be adequate for as important a personage as the governor of the State. But when the distinguished gentleman from Washington [Mr. JOHNSON] gets up here and shows that \$3,500 is as much as a bureau chief in a certain capacity ought to draw and seeks to cut down this increase, which the hearings show is an increase, and to cut it down from \$5,000 a year to \$3,500, he loses by 1 vote. The vote was 16 for his amendment and 16 against it, and therefore his amendment loses, and his effort to economize and save the people's money is lost. Now I yield to the gentleman from Oregon.

Mr. MCARTHUR. I wanted to know if the figures the gentleman read had any bearing upon the historical remark of the Governor of North Carolina to the Governor of South Carolina. [Laughter.]

Mr. BLANTON. I know that is uppermost in the minds of most Members absent and present just now during the Yuletide, when one paper says it is coming in and other papers say the President is keeping it out. [Laughter.]

Mr. HILL. I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. HILL. Mr. Chairman, the question here is on the salary of an assistant in charge of the editorial office in the office of editorial and distribution work in the Department of Agriculture.

The committee has reported an appropriation of \$5,000. The amendment of the gentleman from Washington provided for a cut of that to \$3,500. After listening to this debate I feel that whoever has charge of that important work in the department is entitled to a salary of \$5,000, and I am against the amendment.

Now, just in order that the record may be clear, during the last week—

Mr. JOHNSON of Washington. Will the gentleman wait a moment while we clear the record?

Mr. HILL. I have only five minutes. I understand from the chairman of the committee that the work of this editorial department is entirely in editing Government publications.

It is not a propaganda bureau and does not come under the heading of the questions that I raised about an appropriation of \$150,000 last week for a certain unit in the Treasury Department, the prohibition enforcement unit.

This office edits the proper publications of the Government for the farmers of America, and is not a unit for the praise of any particular theory of government or any particular officers, or against any class of Members of Congress. In other words, it is not a "press bureau" in the sense of the objections made in this House on December 8 and 9. Therefore, I think this House should stand by the committee and vote for proper coordination in the Department of Agriculture. I know the value of this work to the people of Maryland.

I ask unanimous consent to put in the RECORD as a part of my remarks a short editorial from the Chicago Tribune of December 9 on "The Government Press Bureau," which bears on this matter and on the fight I made last week for the principles therein stated.



The CHAIRMAN. The gentleman from Maryland asks unanimous consent to be allowed to insert as a part of his remarks the editorial in question. Is there objection?

There was no objection.

The editorial is as follows:

THE GOVERNMENT PRESS BUREAU.

Representative HILL of Maryland has asked Congress to eliminate from the appropriation for the enforcement of prohibition \$150,000 included in the bill for the maintenance of a press bureau. We should like to know what the prohibition press agents do. It is astonishing to discover, out here where Government methods are not all revealed, that there are press agents hired by the Government to propagandize in favor of one of its policies.

There are laws of necessity and laws of policy. It is necessary to have laws protecting life and property or there would be no society. Laws of policy represent opinions. One government or one party has one line of policy dealing with railroads, agriculture, commerce, industry, shipping, etc. Another has another line. Out of these policies we get laws. The laws remain in political controversy and they are changed as parties and governments and opinions change.

A great many people in the United States think the prohibition enforcement act is a wise, just, and necessary law. A great many others think it is unfair, unjust, and unwise. The question is in politics. It is presented at elections. Congressmen are elected on the issue. If Congressmen who pass a prohibition law then make an appropriation for a press bureau to support their policy, they use public money to advance a cause supported by part of the people.

If government may use public money to support one policy politically, it may use public money to support any policy politically. The Esch-Cummins Railroad Act is a law, but it is in dispute. It is attacked. Should the Government hire press agents, paying them with public funds, to defend the railroad act?

Should a party in power and constituting the Government be permitted to make appropriations from the Public Treasury to use against the other party in political argument? We know that a government does campaign on public money and that can not be avoided. Federal patronage forms a machine, but it is a more serious matter to permit the establishment of press bureaus for the support of party policies.

People nearly always make exceptions where their interests and beliefs are deeply involved. People who believe that prohibition is a godsend to the United States will not care what governmental transgressions are permitted in its enforcement. That is unwise.

The Tribune believes that Congress should pass an act prohibiting the manufacture and sale of the pistol by private firms. Just as the prohibitionists think an alcoholic beverage is deadly, the Tribune thinks a pistol in the pocket of an irresponsible, enraged, or brutal person is deadly. But the Tribune would not consent that the Government should make an appropriation to propagandize for such a law. The transgression against principles of democratic freedom is too great and too dangerous.

Americans are forgetting an old phrase which their forebears used a great deal: Eternal vigilance is the price of freedom. Our forebears had vivid personalities in their minds. There was danger that some nation in arms or some man on horseback would take away the liberties of a democracy.

In our generation we do not see that groups, animated by high purposes, are attacking the foundations of liberty to gain ends which they regard, and which may be, good. It is a sacrifice of principle to expediency and it never worked well in the long run.

There is a highly competent organization supporting prohibition as a Government policy. There is another organization opposed to it. Good citizens of the United States are in both organizations. They contribute to the Treasury of the United States. Shall the money of one set of citizens be used against them?

Mr. ANDERSON. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. JOHNSON of Washington. I hope the gentleman will not press that. I have two or three amendments I wish to offer, in order to make a feeble effort to rearrange and coordinate these salaries. I do not desire to use unnecessarily the time of the House or the committee.

Mr. ANDERSON. I will withdraw the motion if the gentleman has an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question being taken, the amendment was rejected.

Mr. JOHNSON of Washington. I offer another amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 4, line 16, after the words "executive assistant," strike out "\$3,000" and insert "\$2,250."

Mr. JOHNSON of Washington. Mr. Chairman, this creates the position of the executive assistant. There is no reason why he should have \$3,000. He seems to be an assistant to an assistant who is an assistant to an assistant. Are we drawing it pretty fine and getting it pretty thin? Now, for fear that some Members may think my distinguished friend from Maryland [Mr. HILL] is firm in his faith that there is no propaganda work going on in these offices, let me call his attention to the fact that during the past year the press service has been moved up into this office, and the press service is the propaganda office by which this department undertakes to reach the daily press, and also the service by which the dope is written that makes up three-fourths of the reading matter of the little dollar-a-year farm publications. The Government writes that stuff.

Mr. HILL. Will the gentleman yield?

Mr. JOHNSON of Washington. I have only five minutes. There are other activities that have been already moved up. Press-agent work is the thing. Sell the idea. What is the law? Oh, no matter. I venture the assertion right now that the assistant in charge of the editorial office will do as much lecturing out in the States as he will do actual, literal assistance in the performance of editorial work in the course of one year's time.

Mr. HILL. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield the floor.

Mr. LONDON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. LONDON. Mr. Chairman, there are four reasons why I rise in opposition to this amendment offered by the gentleman from Washington. The first is that it is offered by the gentleman from Washington.

Mr. JOHNSON of Washington. That is a good reason.

Mr. LONDON. Reason No. 2 is that it is supported by the gentleman from Texas [Mr. BLANTON]. [Laughter.] The third is that I have not said anything on the floor for a week or 10 days. The fourth reason is that the gentleman from Washington having been formerly an editor shows a profound contempt for the profession [laughter and applause], a profession which, in my judgment, is very much underpaid.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LONDON. I will.

Mr. JOHNSON of Washington. The gentleman from New York misses the whole point. I have a great admiration for editors, but I do not want the editors overridden with assistants put over them with better pay.

Mr. LONDON. When the gentleman from Washington refers to the valuable information furnished by the Agricultural Department as "stuff" and "dope," it does not appeal to me at all. I do not know of any department in the country that furnishes more valuable information than does the Department of Agriculture. I do not know of any branch of the service that is more closely connected with the progress of agriculture than is the Agricultural Department. I do not know why the gentleman from Washington has chosen this particular branch of the service for his assault. On yesterday before he spoke there were 16 votes in favor of his amendment, and to-day after he had spoken there was nobody to support it except himself and the gentleman from Texas. [Laughter.]

Mr. TILSON. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. TILSON. Does not the gentleman think that this is a field where we can better spend the money than in sending out little packages of seed?

Mr. LONDON. Oh, when you take away the seeds you take away nine-tenths of the statesmanship of many Members. [Laughter and applause.]

Mr. ANDERSON. Mr. Chairman, I move that all debate on this paragraph be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 5 ayes and 34 noes. So the amendment was lost.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 4, lines 16 and 17, after the words "assistant editors" strike out "1, \$2,250, 2 at \$2,000 each, 1, \$1,800;" and insert in lieu thereof "1 at \$2,000 and 3 at \$1,800 each."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 4 ayes and 25 noes. So the amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 18, after the word "mailing" strike out the figures \$2,400 and insert \$2,000.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were 7 ayes and 24 noes.

Mr. JOHNSON of Washington. Mr. Chairman, I object to the vote because no quorum is present.

The CHAIRMAN. The gentleman from Washington makes the point that no quorum is present. The Chair will count.



[After counting.] Eighty-one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Almon	Fordney	Lineberger	Rosenbloom
Ansorge	Foster	Linthicum	Rossdale
Aswell	Frear	Little	Rucker
Bell	Free	Logan	Ryan
Benham	Freeman	Longworth	Sabath
Bird	Frothingham	Luce	Sanders, Ind.
Blakeney	Funk	Luhning	Sanders, N. Y.
Boies	Gallivan	Lyon	Schall
Bond	Gensman	McClintic	Scott, Mich.
Bowers	Glynn	McCormick	Scott, Tenn.
Brand	Goodykoontz	McDuffie	Sears
Brennan	Gorman	McFadden	Shaw
Britten	Gould	McLaughlin, Pa.	Shreve
Brooks, Ill.	Graham, Pa.	McSwain	Siegel
Brooks, Pa.	Green, Iowa	MacGregor	Smith, Mich.
Brown, Tenn.	Griffin	Maloney	Snell
Burke	Hammer	Mead	Snyder
Burroughs	Hayden	Michaelson	Sprout
Campbell, Kans.	Hays	Mills	Stafford
Cantrill	Henry	Montague	Stedman
Carew	Herrick	Moore, Ill.	Steenerson
Chandler, N. Y.	Hersey	Moore, Ohio	Stiness
Clark, Fla.	Himes	Mott	Stoll
Classon	Hogan	Mudd	Sullivan
Clouse	Hukriede	Nelson, Me.	Tague
Cockran	Humphreys, Miss.	Newton, Minn.	Taylor, Ark.
Codd	Husted	O'Brien	Taylor, Colo.
Cole, Ohio	Hutchinson	O'Connor	Taylor, N. J.
Collins	Jacoway	Olp	Taylor, Tenn.
Connally, Tex.	James	Osborne	Ten Eyck
Connolly, Pa.	Jefferis, Nebr.	Overstreet	Thompson
Cooper, Ohio	Jeffers, Ala.	Paige	Tillman
Copley	Johnson, Miss.	Park, Ga.	Tinkham
Coughlin	Johnson, S. Dak.	Parker, N. J.	Treadway
Crowther	Jones, Pa.	Parker, N. Y.	Tucker
Cullen	Kahn	Patterson, Mo.	Underhill
Davis, Minn.	Kearns	Patterson, N. J.	Valle
Deal	Keller	Paul	Vare
Dominick	Kelley, Mich.	Perlman	Vestal
Drane	Kendall	Pringle	Voigt
Drewry	Kennedy	Purnell	Volk
Dunbar	Kiess	Rainey, Ala.	Volstead
Dunn	Kindred	Rainey, Ill.	Ward, N. Y.
Dyer	Kirkpatrick	Ramseyer	Weaver
Echols	Kitchin	Ransley	Wheeler
Edmonds	Klecza	Reber	Williams, Tex.
Ellis	Knight	Reece	Wise
Fairchild	Kunz	Reed, N. Y.	Woodyard
Fairfield	Lampert	Riddick	Wurzbach
Faust	Larson, Minn.	Riordan	Yates
Fess	Layton	Robertson	Zihlman
Fish	Lee, N. Y.	Rogers	

The committee rose; and the Speaker having resumed the chair, Mr. Hicks, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13481, and finding itself without a quorum he had directed the roll to be called, when 223 Members had answered to their names, a quorum, and he handed in a list of the absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The vote comes now upon the amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 4, line 18, after the word "photographer," strike out "\$2,100" and insert "\$2,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 4, lines 20 and 21, after the word "assistants," strike out "two at \$2,500 each, three at \$2,000," and insert "five at \$2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were—ayes 8, noes 58.

So the amendment was rejected.

The Clerk read as follows:

For labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of motor trucks; purchase and maintenance of bicycles; purchase of manuscripts; traveling expenses; electrotypes, illustrations, and other expenses not otherwise provided for, and including not to exceed \$1,800 for extra labor and emergency employments in the District of Columbia, \$47,850.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that the matter beginning at the top of page 5,

ending on line 10 with the total, has not been read by the Clerk.

The CHAIRMAN. The Clerk began reading at line 11 on page 5.

Mr. TILSON. Mr. Chairman, the matter to which the gentleman from Washington refers was read yesterday.

Mr. JOHNSON of Washington. Mr. Chairman, then I ask unanimous consent to return to the former paragraph in order to offer an amendment in the nature of a restriction upon the appropriation.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to the former paragraph to offer an amendment. Is there objection?

Mr. ANDERSON. Mr. Chairman, reserving the right to object, let us hear what the amendment is?

Mr. JOHNSON of Washington. Mr. Chairman, I ask that the amendment be read for information.

The CHAIRMAN. Without objection, the Clerk will report the amendment for information.

The Clerk read as follows:

Page 5, line 10, after the figures "\$263,670," insert: "Provided, That no part of this appropriation shall be used in advocacy of or in opposition to legislation or bills before the Congress of the United States."

The CHAIRMAN. Is there objection?

Mr. ANDERSON. Mr. Chairman, of course, as the appropriation is for the payment of salaries, the amendment would be without any effect whatever. If the gentleman wants to offer it I have no objection to returning to the paragraph for that purpose.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 5, line 10, after the figures "\$263,670," insert: "Provided, That no part of this appropriation shall be used in advocacy of or in opposition to legislation or bills before the Congress of the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken; and on a division (demanded by Mr. JOHNSON of Washington) there were—ayes 31, noes 30.

Mr. ANDERSON. Mr. Chairman I demand tellers.

Tellers were ordered and the Chair appointed Mr. JOHNSON of Washington and Mr. ANDERSON to act as tellers.

The Committee again divided; and the tellers reported—ayes 35, noes 50.

So the amendment was rejected.

Mr. BARBOUR. Mr. Chairman, yesterday I was granted leave to extend my remarks in the RECORD, and I now ask unanimous consent that certain documents I desire to insert be printed in 8-point type.

The CHAIRMAN. The gentleman from California asks unanimous consent that certain documents in an extension of his remarks be printed in 8-point type. Is there objection?

Mr. BLANTON. Mr. Chairman, I do not object, but that is a matter to be taken up in the House, as I understand it.

Mr. BARBOUR. I took the matter up with the Speaker, and he said it would be appropriate to make the request in the committee, as it is a matter concerning the committee.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I have now an amendment to offer to the last paragraph on page 5, line 21, after the word "expenses," to strike out the words "electrotypes, illustrations."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington: Page 5, line 21, strike out the words "electrotypes, illustrations."

Mr. JOHNSON of Washington. Mr. Chairman, I do this for the reason that in my opinion this is legislation on an appropriation bill. Other methods are provided for this work.

I had not made the point of order; I am letting the House vote whether they want it in there or out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

#### PRINTING AND BINDING.

For all printing and binding for the Department of Agriculture, including all of its bureaus, offices, institutions, and services, located in Washington, D. C., and elsewhere, \$760,000, including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the joint resolution numbered 13, approved March 30, 1906, and also including not to exceed \$250,000



for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct: *Provided*, That the provisions of this paragraph shall not apply to such printing and binding as now is or may hereafter be, specially authorized by law or by the regulations or decisions of the Joint Committee on Printing, Congress of the United States.

Mr. JOHNSON of Washington. A point of order, Mr. Chairman. I make the point of order against the proviso beginning on line 14:

*Provided*, That the provisions of this paragraph shall not apply to such printing and binding as now is, or may hereafter be, especially authorized by law or by the regulations or decisions of the Joint Committee on Printing, Congress of the United States.

The CHAIRMAN. What is the point of order?

Mr. JOHNSON of Washington. That it is legislation on an appropriation bill; and a further point of order that the Joint Committee on Printing has no appropriating power. Still a further point of order is that it undertakes to direct the expenditure of money that has not been appropriated anywhere.

Mr. BLANTON. I make the further point of order that it changes existing law.

Mr. ANDERSON. Mr. Chairman, without conceding the point of order at all, I have no objection to the proviso going out. I ask unanimous consent that the proviso may go out; that it may be considered as disagreed to.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the proviso be considered as disagreed to.

Mr. JOHNSON of Washington. Mr. Chairman, reserving the right to object, I would like to ask the chairman just what it means.

Mr. ANDERSON. If the gentleman does not know what it means, why does he want to strike it out?

Mr. JOHNSON of Washington. I think I know, but I would like to find out what was in the mind of the subcommittee of the Committee on Appropriations when it undertook such a proposal as this, whatever it means.

Mr. ANDERSON. My understanding of the proviso is that it was intended to establish the paragraph on such a basis that in the event of a direction by Congress or a resolution passed by Congress for the printing of documents by the Department of Agriculture the cost of printing the documents would be covered by a special appropriation and not taken out of the fund carried in this item. It is quite possible the language as it now stands is broader than that, and consequently I have no objection to its going out.

Mr. JOHNSON of Washington. I withdraw any objection I have and join with the chairman in trying to strike it out of this bill.

The CHAIRMAN. The gentleman asks unanimous consent that the proviso on page 6 be stricken from the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. In order that the Record be clear, I suggest that the gentleman from Washington withdraw his point of order.

The CHAIRMAN. The Chair will say the proviso having been stricken out, there is nothing remaining on which to make the point of order.

Mr. JOHNSON of Washington. I withdraw the point of order.

The Clerk read as follows:

#### GENERAL EXPENSES—OFFICE OF EXPERIMENT STATIONS.

To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apportioned to the several States, to be paid quarterly in advance, \$720,000.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

Mr. HAUGEN. Mr. Chairman, I reserve the point of order.

Mr. ANDERSON. Mr. Chairman, I submit that while the point of order is reserved it is not in order to move to strike out the last word.

The CHAIRMAN. The Chair agrees with the gentleman. The gentleman from Iowa.

Mr. HAUGEN. I make the point of order that the change of title from States Relations Service to that of office of experiment stations in this bill is not authorized by law. I call attention of the gentleman to the decision of the Chair found in Hinds' 4, paragraph 3651.

It is the attempted establishment of a new bureau in an appropriation bill without any previous authority of law.

Mr. ANDERSON. Is that on the Agricultural appropriation bill?

Mr. HAUGEN. On the Agricultural appropriation bill.

Mr. ANDERSON. Mr. Chairman, I do not think the decision cited by the gentleman from Iowa is in point in respect to this particular appropriation, particularly in view of the view expressed by the Chair yesterday in regard to the general powers of the Secretary of Agriculture under the organic act. The act of March 2, 1887, provides for the establishment of agricultural experimental stations and provides for Federal aid for those stations in the sum of, I think, \$15,000 per State. Obviously it is necessary to set up some agency in the Department of Agriculture to administer this act. Now, it does not make any difference whether it is called "experimental stations" or whether it is called nothing at all. The words "office of experiment stations" as used here, as I stated yesterday, creates nothing. It is simply a convenient title to designate the organization in the Department of Agriculture and established by force of the order of the Secretary to administer this act, and I submit that the use of this title in the bill does not establish the office of experiment stations in the legal sense at all. The situation would be exactly the same as if the title went out altogether. The Secretary could still have in the department the office of experiment stations.

The CHAIRMAN. May the Chair ask the gentleman a question?

Mr. ANDERSON. Yes.

The CHAIRMAN. The Chair understands this work is now going on?

Mr. ANDERSON. It is going on in pursuance of the law passed by Congress 20 or more years ago.

The CHAIRMAN. Under what title was the work carried on in the last bill?

Mr. ANDERSON. This work was formerly under the States Relations Service and carried on as part of that service, which, by the way, has no more legal status than this.

The CHAIRMAN. The Chair understands there was no legislation creating the other title than creating this title?

Mr. ANDERSON. No. There are no more positions paid under this title than are now paid for.

Mr. HAUGEN. May I call the Chair's attention to a more recent ruling, a ruling of the present occupant of the Chair on January 22, 1921. The proposition then before the House was practically in the same form as this. The paragraph then under consideration was "Bureau of Farm Management and Farm Economics, Chief of Bureau, \$5,000," and so forth. I made the point of order with reference to the use of the word "Bureau." The gentleman from Minnesota [Mr. ANDERSON] then argued as he argues to-day. I quote:

Mr. Chairman, I do not think the words are subject to a point of order. The whole question is whether by using the word "Bureau" in the place of the word "office" we thereby create something that does not now exist. The use of the word "Bureau" in lieu of the word "Office" does not create anything. It is simply a distinctive title under which we are making these appropriations.

The Chair sustained the point of order. That is exactly what is here undertaken to be done—to create something that does not exist without authority to create it. It is a change of title, and it has universally been held to be subject to a point of order.

The CHAIRMAN. The Chair feels that, in the light of the decision of the Chair rendered yesterday, that a change of title does not change an activity or create a new bureau, he should not sustain the point of order.

Mr. HAUGEN. I am calling the attention of the Chair to the ruling made a year ago. I simply call the attention of the House and the country to what we are drifting into; that we are now surrendering our power to legislate, and that this Bureau of Budget is to legislate instead of Congress. If that is the purpose of Congress, then the present ruling is in accord with that idea. I am not questioning the decision of the Chair, but that will be the result. It certainly was not contemplated at the time the Budget Bureau was created that Congress would surrender its power, its prerogative to determine and make these appropriations, that the Budget should also have the power to legislate. That was not contemplated. Congress should reserve to itself the exclusive right to legislate and should proceed to legislate on matters that affect the Government's policy. If the Budget Bureau is to incorporate legislation in appropriation bills, it will thus be able to direct legislation. I believe in Congress asserting its rights and doing its duty as prescribed in the Constitution.

Mr. ANDERSON. Mr. Chairman, this is not directly on the point of order. Perhaps I am permitted to say that if this situation is not what it ought to be, no man is in a better position to correct it than my friend, the gentleman from Iowa [Mr. HAUGEN]. If he believes that these bureaus ought to be established by law with a definite personnel of officers prescribed by law, I do not. His committee has the power to report out to this House a bill which will establish these bureaus, divisions,



and offices in the Department of Agriculture beyond the power of the Committee on Appropriations or any other committee of this House to change it, and if he believes this should be done, he and his committee should act. There is pending to-day before his committee a bill which is designed, in part at least, to do that. It is entirely within the power of the House to establish this situation exactly as it wants to establish it, if it will take the trouble to legislate upon the subject.

Mr. TOWNER. Mr. Chairman, I beg pardon for making this statement, but perhaps it may be important in the future that we should know just exactly what the powers of the Chair are with regard to matters of this character.

The objection is made by my colleague [Mr. HAUGEN]—and I sympathize with his point of view—that to change the title, for instance, of a class of appropriations might be considered as making law. But, Mr. Chairman, if we consider the matter for a moment, we will see that we are not legislating upon that proposition. The fact is that this title, "General expenses of the Office of Experiment Stations," is expressly stated to be for the purpose of carrying into effect the provisions of an act approved March 2, 1887, entitled "An act," and so forth, "to establish agricultural experiment stations."

Now, that constitutes the law. What we may call it in the bill is not law, and never has been and never should be. If, as a matter of fact, these things are what they purport to be—general expenses for the purpose of carrying out the provisions of that act—then certainly there is no change in existing law, and that would be necessary in order to justify a point of order against this matter.

Mr. Chairman, I quite agree with the chairman of the committee [Mr. ANDERSON] that these changes must be made from time to time. I presume it is unnecessary for me to say what we all know, that the Secretary of Agriculture, not for the purpose of increasing expenditures—because in this bill he does not, and probably will not in the future—is rearranging, for the purpose of greater efficiency, for the purpose of preventing duplication, some of the work of the department. Now, Mr. Chairman, I want to call particular attention to this fact, because I believe it to be a fact: If in doing so, and if in accordance with his suggestions and recommendations, the appropriation items are so arranged that they carry such appropriations for the express purpose authorized by the law as stated in the appropriation, then it can not be said that because they may be named differently or arranged differently or placed in different positions there is a change of existing law. I think it is quite important that we should understand this, for the benefit of the furtherance of the purposes and objects we all hope for in the great work of the Committee on Agriculture. [Applause.]

Mr. HAUGEN. Mr. Chairman, let me ask my colleague if he has examined the law establishing this States Relations Service?

Mr. TOWNER. No; I have not.

Mr. HAUGEN. The gentleman, I understood, asserted that it has been established by law.

Mr. TOWNER. No; I say this, that if it can be shown that it is not under the provisions of the act referred to—

Mr. HAUGEN. That is a question.

Mr. TOWNER. Of course it is the question. I understood that objection was made because it is called the "office" instead of the "Bureau of States Relations Service."

Mr. HAUGEN. It is proposed now to change it to something else.

Mr. TOWNER. I am going to suggest what I think the test should be. If this appropriation does carry out the provisions, as it states here, of the act to establish experiment stations, then unless there is some change in that law the point of order is not well taken.

Mr. HAUGEN. Mr. Chairman, I am simply calling attention to the rulings made in the past. It seems to be the universal ruling in the past that a change of title is subject to a point of order.

Mr. REED of West Virginia. If you eliminate the words "Bureau of," would that remedy it?

Mr. HAUGEN. The title formerly was "States Relations Service." It is now proposed to change the title to that which appears in the bill. It is clearly a change of title, and the rulings in the past have always been that a change of title or the creation of a new bureau was subject to a point of order. That was the ruling a year ago by the present occupant of the chair.

Mr. REED of West Virginia. Does not this come within the act to establish agricultural experiment stations, and is not that proper?

Mr. HAUGEN. I am speaking of the title, the very first line.

Mr. REED of West Virginia. The title is perfectly in harmony with the wording of the act.

Mr. HAUGEN. It is in harmony, but changed from what it was.

Mr. CURRY. Mr. Chairman, I wish to call the attention of the committee to the system of the Agricultural Department in increasing salaries without authority of law. There are a number of statutory offices provided for in the Department of Agriculture. When the Secretary of Agriculture wishes to increase the salary of some person who holds one of those offices he can not increase the salary of a statutory office, but he transfers the officer or employee to the lump-sum roll, gives him a new title, and increases his salary to any amount he desires out of the lump-sum appropriation, and then next time in his recommendations to Congress he includes that new title with the increased salary and sends it up through the proper channels to the Committee on Appropriations, and thus without authority of law creates a new office and a new salary. I think it is time that Congress stopped that illegal and inexcusable system of increasing salaries and positions. I do not say that the salaries are too large. I do not say that there are too many employees, but I do say that when a change of that kind is necessary it should be made properly by recommendation from the Secretary of Agriculture to Congress, and that the Committee on Agriculture should consider the bill and report it to the House, and it should be considered and acted upon in due course according to the rules of the House. I do not think Congress ought to condone this unjustifiable system of increasing salaries and creating new positions at the whim of the Secretary of Agriculture.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I do not know that what I shall say will have a direct bearing on the point of order, but something that has been said seems to justify a word from me.

The bureaus of the Department of Agriculture have from time to time been established by law. It is true that some have grown up, and Congress has permitted the use of the word "bureau" respecting certain parts and divisions of the department, but strictly speaking the bureaus have been authorized by law, each one of them. It has often happened that when by an appropriation or by the direction of Congress the Department of Agriculture has taken up some new line of work, or by reason of shifting of operations in the department employees have been gotten together in a new combination, almost universally I believe when those new divisions have been organized they have been called "offices." They have not been given the dignified term of "bureau." It has often happened that the Department of Agriculture in submitting its estimates to the committee has suggested the change of the word "office" to "bureau," recognizing that it must have the authority or the recommendation of the committee and the authority of Congress to make the change. In my judgment when work is carried on in the department under the head of an office and an effort is made and a desire is expressed to call that division of work a bureau there must be authority of Congress for the change of name, and the change appearing in an appropriation bill is subject to a point of order. If the matter we are speaking about is of the nature of the matters of which I have been speaking, then the point of order made by the gentleman from Iowa [Mr. HAUGEN] ought to be sustained. I did not notice it in its inception, so, as I say, I do not know that my remarks apply to the point of order that is pending; but if it has developed that it is in the line of the matters I have spoken of, in my judgment the point of order is good.

Mr. HAUGEN. Mr. Chairman, if I may be permitted, the gentleman from Minnesota said that a bill is now before the Committee on Agriculture and that if desired the matter might be considered and determined by that committee. A bill was before the committee, and the committee reported the bill; so the committee has disposed of it. That bill granted as much authority as was thought should be given to the Appropriations Committee.

Now, another word. It has been suggested that this does not increase expenditures. It evidently does not tend to decrease the expenditures. Yesterday I called attention to the statement of Mr. Pugsley that two officers are to be added, one at \$5,000, and another at a salary which no one seems to know how much. The gentleman knows that in this bill it is proposed to increase the number of salaries above the maximum limitation.

I call his attention to pages 79 and 80:

During the fiscal year 1924 the maximum salary of any scientific investigator or other employee engaged in scientific work and paid from the general appropriation of the Department of Agriculture shall not



exceed the rate of \$6,500 per annum: *Provided*, That for the fiscal year 1924 no salary shall be paid under this paragraph at a rate per annum in excess of \$5,000 except the following: Not more than 12 in excess of \$5,000 but not in excess of \$5,500 each, and not more than 5 in excess of \$5,500 each.

The proposed legislation gives authority to increase the salaries of 12 scientists to \$5,500 and 5 to \$6,500 and all other scientists in the department to \$5,000. We know that the creation of new bureaus or the creation of new offices have in the past resulted in millions of dollars of additional expenditure. I will read from the gentleman's report, page 2:

A reorganization of two offices, recommended by the President and transmitted to Congress in the Budget, has resulted in the establishment of four separate units. The two offices consolidated and reorganized are the Division of Publications and the States Relations Service, and the four units resulting therefrom are (1) the Offices of Editorial and Distribution Work, (2) the Office of Experiment Stations, (3) the Extension Service, and (4) the Bureau of Home Economics. The first three of these units have been placed under the Office of the Secretary of Agriculture, while the fourth, the Bureau of Home Economics, is recommended as a separate bureau. This reorganization makes necessary a readjustment of the statutory rolls and the accompanying necessary changes in the designation of general expense appropriations.

So you add one bureau and one division, which, judging from past experiences, means millions of dollars of additional expenditure. The testimony of Mr. Pugsley, who will be in charge, shows that positions are carried in the bill which mean additional expenditures.

The gentleman has said that \$9,000 is dropped.

Mr. ANDERSON. That is true.

Mr. HAUGEN. I do not doubt that; but the gentleman also knows that it has been the practice not to ask for appropriations for low salaries. The gentleman from Washington has pointed out that the \$240 salaries, the \$480 salaries, and the \$600 salaries are to be dropped. We are told that there is going to be a reduction in expenditure by dropping a number of places now vacant.

Mr. COLTON. Mr. Chairman, as I understand, the Chair has already overruled the point of order.

The CHAIRMAN. There is a point of order now pending and the Chair is ready to rule. Yesterday the Chair ruled on a point of order similar to this, and then gave his reasons for so ruling. Without repeating those reasons on this point of order which is similar to that of yesterday the Chair overrules the point of order. The Chair realizes that in rendering this decision, as in rendering the one yesterday, he is reversing his position of a year ago, but the Chair takes his present position because, after further consideration, he feels that the decision of last year was in error. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, \$205,000, as follows: Alaska, \$70,000; Hawaii, \$50,000; Porto Rico, \$50,000; Guam, \$15,000; and the Virgin Islands of the United States, \$20,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, the island of Guam, and the Virgin Islands of the United States, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii \$10,000 may be used in agricultural extension work in Hawaii.

The CHAIRMAN. Without objection, the spelling of the word "elsewhere," in line 20, page 7, will be corrected by the Clerk.

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee the reason for reducing the appropriation for work in Alaska below what it is during this current year.

Mr. ANDERSON. The only reason that I know of is that the Director of the Budget thought it could be done for \$5,000 less.

Mr. McLAUGHLIN of Michigan. I presume the gentleman reads, as I do, of the development going on in Alaska and the abundant opportunity for further development, also the limited progress up there because of lack of money in these very lines. If my judgment is correct, it would be unwise to reduce the amount of money available for work in Alaska, where results have been very satisfactory.

Mr. ANDERSON. My own view about it is that we have too many stations in Alaska for the amount of money which we are expending on them.

Mr. McLAUGHLIN of Michigan. How many have we?

Mr. ANDERSON. I think there are five there now altogether, doing various kinds of work. I would not be sure of that—either three or five.

Mr. McLAUGHLIN of Michigan. The Territory of Alaska is immense in size and I am not surprised that there are five. But

sections are so different from one another. A different character of work is to be done in different sections. Mr. Chairman, I offer an amendment to strike out the figures "\$70,000" and insert "\$75,000" on page 8, line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 13, strike out the figures "\$70,000" and insert the figures "\$75,000."

Mr. ANDERSON. May I suggest that if that is what the gentleman proposes to do he ought to increase the amount in line 12 to \$210,000?

Mr. McLAUGHLIN of Michigan. That would seem to follow automatically, I presume, but I can combine the two in one. I further move to strike out in line 12 the figures "\$205,000" and insert "\$210,000."

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment by Mr. McLAUGHLIN of Michigan: Page, 8, line 13, strike out the figures "\$70,000" and insert "\$75,000"; and, in line 12, strike out "\$205,000" and insert "\$210,000."

The CHAIRMAN. Does the gentleman from Minnesota desire to discuss the amendment?

Mr. ANDERSON. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

#### EXTENSION SERVICE.

Salaries: Assistant in charge of office of motion pictures, \$3,000; chief cinematographer, \$2,500; chief clerk, \$2,000; clerk or chief accountant, \$2,400; financial clerk, \$2,000; executive clerks—1 \$2,000, 1 \$1,740; assistant editor, \$1,800; clerk or proof reader, \$1,800; clerks—5 of class 4, 11 of class 3, 2 at \$1,500 each, 27 of class 2, 1 \$1,320, 38 of class 1, 12 at \$1,100 each; draftsmen or photographers—2 at \$1,600 each, 1 \$1,500; clerk or artist-draftsman, \$1,200; clerk or machine operator, \$1,200; clerk or laboratory helper, \$1,100; laboratory aids—2 at \$960 each, 1 \$900; assistant photographer, \$960; 2 skilled laborers at \$1,000 each; messengers or laborers—3 at \$840 each, 1 \$720; messenger boys or laborers—4 at \$720 each, 1 \$600, 1 \$480; messenger boys—1 \$720, 5 at \$600 each, 4 at \$480 each; 13 charwomen at \$240 each; in all, \$176,700.

Mr. SUMMERS of Washington. Mr. Chairman, every generation—every individual, in fact—should leave the world a little better than he found it.

The protection and utilization of our national forests in a broad and worth-while way gives us this opportunity.

Mr. Chairman, I wish to call the attention of Members to an item in this bill, which we shall reach somewhat later, in regard to the construction of roads in national forests. There was an attempt on the part of the Director of the Budget to cut down the amount authorized by Congress for this very important purpose, and it is my desire at this time to lay before the House some facts in regard to the importance and the extent of our national forests.

#### EXTENT OF FORESTS.

There are 149 national forests in and belonging to the United States, comprising 156,000,000 of acres—an area equal to that of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and North Carolina. This enormous acreage, as extensive as the 13 States I have named, represents 17 per cent of the area of all the forests and 25 per cent of the value of all the forests of the United States. These forests are estimated to be worth at this time \$2,000,000,000. There are about 600,000,000,000 feet of standing timber that is now ripe.

Five and a half billion feet could be cut yearly without depleting the national forests. We are at this time only cutting 800,000,000 feet annually. At that rate it would take 750 years to cut over our national forests. We do not want to overcut, destroy, or injure this great national asset, but the point is we are not utilizing the timber as we should. Timber ripens the same as grain. If it is not harvested, in the course of time it becomes wind-shaken and falls, and we have not only lost the mature timber itself but much smaller growing timber is destroyed. Fallen timber also adds enormously to the fire hazard. So it is wise from every consideration that we utilize this timber as it ripens and conserve other forests that are being overcut and rapidly exterminated.

We are deriving from the sale of timber at the present time about \$2,000,000 annually. We could and should cut ten times that amount, or \$20,000,000 annually, without in any way depleting the supply.

#### FOREST FIRES.

The future of our forests depends on their protection from fires especially. We are having at this time about 6,000 fires annually in the national forests. Forty per cent are due to



lightning, and fires from lightning usually occur in remote places like the higher mountain tops. We are spending in addition to the regular amount provided for United States rangers and guards as much as \$750,000 annually for emergency fire-fighters. A single fire in a great forest, such as I have seen in the Cascades, may destroy timber to the value of very much more than the cost of a road system in the forests which would have given protection. A fire not only destroys the mature timber but it sweeps out all of the young timber and leaves only a mountain waste.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ARENTZ. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes, briefly.

Mr. ARENTZ. It is the gentleman's idea that there should be timber cruisers going throughout the entire timber sections of the United States owned by the Government, and if there is ripe and mature timber, cut it?

Mr. SUMMERS of Washington. Yes; if we have the roads through which the logs can be marketed.

Mr. ARENTZ. Is money being spent for this purpose or for seeding purposes?

Mr. SUMMERS of Washington. Yes; for both purposes. Of course, the timber is cut under the direction of the Forest Service and only mature trees are cut.

Mr. ARENTZ. The roads could be completed into the forest and serve both purposes?

Mr. SUMMERS of Washington. Certainly. At this time if a fire breaks out in some of our vast forests it is five days from the time you see the smoke till you reach the fire on foot and three days on horseback. Successful fire fighting necessitates the prompt arrival of the fire department. Why expend enormous sums annually for fire fighters and then provide neither roads nor trails by means of which they can reach the fire?

The poet has graphically told us what we plant when we plant a tree—the same might be said of the protection of our trees:

#### PLANTING A TREE.

What does he plant who plants a tree?  
A scion full of potency;  
He plants his faith, a prophecy  
Of bloom, and fruitfulness to be;  
He plants a shade where robins sing,  
Where orioles their nestlings swing;  
A burning bush, a miracle!  
Who plants a tree, he doeth well!

What does he plant who plants a tree?  
He makes a strong mast for the sea;  
He makes the earth productive, fair;  
He helps the vines climb high in air,  
And from their censers shed perfume  
To sweeten night, and bless high noon.  
Against the vandals who despoil  
He sets his protest in the soil.

What does he plant who plants a tree?  
An emblem of the men to be;  
Who lightly touch terrestrial clay,  
But far above the earth, away  
From sordid things and base,  
Incarnate ideals for their race,  
Who plants a tree, he doeth well,  
Performs, with God, a miracle!

#### NEED OF FOREST ROADS.

There are 3,685 townships, or 47 per cent of all of our national forests, which have no roads whatever. There are 2,418 townships, or 31 per cent of our forests, which have very poor roads; a total of 78 per cent either with no roads at all or with very indifferent roads, approximately only wagon trails.

Transcontinental highways in many instances must cross national forests. In my own State of Washington every east-and-west highway and every transcontinental highway must pass through a national forest. In such cases the forest road serves many purposes. This may be illustrated by the Lewis and Clark or Lolo Pass Highway, now building through the Selway National Forest in the State of Idaho. While this highway will make available vast timber resources and facilitate the protection of the forest, it also shortens the distance from the Atlantic to the Pacific more than 200 miles, and thus becomes of interest to every tourist who would view the unsurpassed scenery of the Pacific Northwest. The old tollgate road in east Oregon is highly meritorious and is now under investigation. I urge the full appropriation already authorized by Congress in order that this and other worthy highways now under construction may be pushed to speedy completion.

We are deriving from the pasture rentals in these forests about two and a half million dollars annually, but we are only

pasturing 110,000,000 acres out of the 156,000,000. Two million cattle and horses and seven and a half million sheep are grazing our national forests, but we ought to be deriving very much more in the way of grazing fees from these forests if they were made more accessible.

There are in these forests 16,000,000 hydroelectric horsepower, or 25 per cent of all in the United States. Much of this, of course, is not utilized and can not be utilized on account of its being inaccessible.

#### OBLIGATIONS TO STATES AND COUNTIES.

There is an obligation upon the part of the Government to build and maintain the roads in and approaching these forests. If these lands were on the tax rolls in the various States and counties, they would be paying to-day fourteen and a half million dollars annually in taxes. Since my own State of Washington, for example, collects no taxes from the 10,000,000 acres of national forest in that State, clearly the Federal Government owes a road-building obligation to that State and the counties of that State, which is not met by the 25 per cent of forest receipts that go to our road and school funds, nor by the 10 per cent of receipts that is spent by the Forest Service on State and county roads.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes, for a question.

Mr. LONDON. Did the gentleman say 16,000,000 hydroelectric horsepower constitutes 25 per cent of all the hydroelectric horsepower in the United States?

Mr. SUMMERS of Washington. Yes; 25 per cent.

Mr. LONDON. That is too large a percentage.

Mr. SUMMERS of Washington. I do not believe so. The construction of roads would add greatly to the value of the forests. They would aid in logging operations, enabling small concerns to operate, whereas now the advantage is all with the big operators. Roads would facilitate the protection, conservation, and utilization of the forests. There is a national obligation and responsibility resting upon the Congress of protecting this and all other national resources.

Our 149 national forests are not all found in one section of the country. They are located in 25 States of the Union, as follows:

	Forest land, acres.
Alabama	81,302
Alaska	20,573,444
Arizona	11,267,040
Arkansas	944,091
California	19,181,508
Colorado	13,291,280
Florida	320,273
Georgia	144,668
Idaho	18,752,625
Maine	32,164
Michigan	123,647
Minnesota	1,047,941
Montana	15,933,889
Nebraska	205,944
Nevada	4,976,137
New Hampshire	404,207
New Mexico	8,423,338
North Carolina	334,480
Oklahoma	61,480
Oregon	13,132,659
Porto Rico	12,443
South Carolina	18,454
South Dakota	1,058,745
Tennessee	245,251
Utah	7,451,548
Virginia	365,938
Washington	9,934,275
West Virginia	103,459
Wyoming	8,414,452
Total	156,837,282

We ought at all times to act as trustees and guardians of these national resources.

Mr. MOORE of Virginia. If the gentleman will yield, I wish to heartily indorse his plea for the protection of our national forests and believe they should be enlarged where conditions seem to warrant it. I have in mind now a very beautiful tract of timber in Virginia that should be preserved for future generations.

There have been constructed up to the present time 4,786 miles of roads and 6,711 miles of trails. The Federal expenditure on the forest roads amounts to \$15,000,000 since 1912, and the cooperative work on the part of States, counties, and individuals has amounted to almost \$7,000,000.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. TOWNER. The gentleman is making a very interesting statement indeed. I wonder if it is his idea that the appropriation provided for on page 38 of \$3,261,862 is too small an amount. Is that the gentleman's idea?



Mr. SUMMERS of Washington. My remarks have reference to the forest-road item, which is on page 80. There was an attempt to eliminate \$3,500,000 from the amount authorized by the preceding session of this Congress, and it is with a view to laying some of the facts before the House and of securing the \$6,500,000 authorized by Congress that I speak at this time.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Clerk read as follows:

For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by the act of May 8, 1914 (38 Stat. L. p. 372), entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," \$1,300,000; and all sums appropriated by this act for use for demonstration or extension work within any State shall be used and expended in accordance with plans mutually agreed upon by the Secretary of Agriculture and the proper officials of the college in such State which receives the benefits of said act of May 8, 1914: *Provided*, That of the above appropriation not more than \$300,000 shall be expended for purposes other than salaries of county agents.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee to make a statement, so that it may be a matter of record, as to how much of these different appropriations which we are now considering, also how much of the money available under what is known as the Lever Act, is used by the department as the cost of administration. There has been a good deal of discussion on that proposition, and some wide difference of opinion as to the wisdom of the course pursued by the department in spending so much money for administration. I do not make that criticism now. I might have something to say along that line if I were to take it up. I think it will be interesting for us to know what the percentage of expenditure for administration is.

Mr. ANDERSON. Mr. Chairman, I am very glad to answer the gentleman's question. I have the figures before me. For the fiscal year ending June 30, 1923, the total amount from all sources for extension work was \$18,819,894. That includes \$4,580,000 of Federal Smith-Lever funds; \$4,100,000 of State Smith-Lever funds, which is the offsetting fund appropriated by the States; \$1,300,000 as a so-called supplementary Federal Smith-Lever fund and \$1,300,000 supplementary State funds, offsetting that, in addition to that item which has just been read, I think, of \$1,029,981. Of that total sum of \$18,819,894, \$1,014,569 was spent in administration, and of that sum \$519,090 is taken out of the Federal Smith-Lever fund; \$321,178 out of the State Smith-Lever fund; \$3,007 from the supplementary Federal Smith-Lever fund and \$689 from the State supplementary Smith-Lever fund; and \$10,350 from the farmers' cooperative demonstration work. In other words, practically all of the administrative expenses are paid out of the Smith-Lever funds, State and Federal.

Mr. McLAUGHLIN of Michigan. The fact is that the \$18,819,894 the gentleman mentions, made up of these items, is used for just about the same kind of work.

Mr. ANDERSON. Practically all of it.

Mr. McLAUGHLIN of Michigan. We call this farm demonstration and agricultural extension work, but it is practically all of the same nature, is it not?

Mr. ANDERSON. Practically all of it. It includes, of course, the county-agent work, the farm demonstration, the home demonstration, the home economics, the boys' and girls' pig and calf club work, and all sorts of extension work.

Mr. McLAUGHLIN of Michigan. As I understand the figures given by the gentleman from Minnesota, the total expenditures were about \$18,900,000 and the total expenditures for administration about \$1,000,000.

Mr. ANDERSON. That is substantially the figure.

Mr. McLAUGHLIN of Michigan. Or one-eighteenth; approximately 5½ per cent for administration?

Mr. ANDERSON. Yes.

Mr. McLAUGHLIN of Michigan. I think the department and the colleges are to be congratulated on administering that fund so economically. I think the report of the manner in which they are doing their work shows that they are properly spending less on administration and are therefore able to use more of the money for practical work than was the case when their work was newer.

I remember very well when this money was asked for in the first place. It was due to statements made, representations made, and reports made by the department that important investigations and discoveries very helpful to agriculture had been made by the department, the result of scientific and practical and experimental work, but that the results of that work

had not been carried out for the farmers who wished and needed them and for whose benefit they were intended. These important and helpful results were kept stored away in the archives of the Department of Agriculture. The department appealed to the Congress for money with which to carry those results to the farmers of the country. The Congress responded by making liberal appropriations. It seems to me it was unfortunate at first that so much of these appropriations was spent in administration. Evidently the department has worked out plans and a larger part than formerly is now devoted to practical work and a reasonably small sum only is paid for administration. It is splendid work. Few of the many good things the department does are better than this demonstration and extension work. It is being well done, and I believe the department has improved in the manner in which it is carrying on that work. It is entitled to credit for the manner in which it is being done, also for using more for practical work and less for administration.

Mr. JOHNSON of Washington. Mr. Chairman, I undertook this morning to show to the Members of the Committee of the Whole House on the state of the Union, which has under consideration the Agricultural bill, the program by which the editing, and so forth, was being consolidated, and a new \$5,000 position was being created without authority of law. My statement is disputed, but I must still insist that the committee has been misinformed. This will develop in the course of time, when, of course, it will be too late. In spite of the attempt to consolidate the printing items, as required by law, such items are scattered throughout the bill. I shall not delay the great committee further, because I know that the members of the agricultural bloc are here full force for the express purpose of preventing any changes in this bill, whether for good or ill. I know, too, that members of the seed bloc are in waiting to march onto the floor at the opportune moment for an attempt to reestablish the free-seed distribution. [Applause.]

Mr. Chairman, I yield back any time remaining to me.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, the demeanor of the genial gentleman from Washington [Mr. JOHNSON] ought to convince our entire membership that he is not out of humor. He is in perfect good humor. When he was trying a while ago to cut down expenses here and asked for a vote in behalf of his various amendments I heard one of our colleagues who had just come in say, "What is JOHNSON mad about? What is he cutting up so much about on the floor to-day?"—as though it was not his duty to try to save the people's money in the Treasury. Why, he is the chairman of the Committee on Printing. He knows more about that subject than any other man on the floor.

Mr. REED of West Virginia. But he was talking about meat. [Laughter.]

Mr. BLANTON. He was directing his remarks to the provisions of the bill that were increasing the salaries of the editors about \$25,000 a year. He was qualified and prepared to speak intelligently on that subject, and yet the membership could hardly wait at all for him to give his views.

The time has come, I will say to the gentleman from Washington, that whenever a man gets up here and proposes to stop extravagance and proposes to curtail expenses, he is placed in a minority the very moment he rises. He is placed at a disadvantage. There is antagonism manifested against him on the floor immediately on the part of the committee having the bill in charge. I was hopeful for a while that the few Members who study these bills and who really seek to stop the growing expenses of the Government at least could stop the enlarging of expenses—in other words, hold the expenses where they now are—but I have come to the conclusion that even that is impossible, because when a committee brings in a bill here it is impossible in the Committee of the Whole to change a single item, except to change it upward instead of downward, as will be done with the gentleman's bill when we reach page 22, when an amendment will be offered to insert \$360,000 additional for the purchase of garden seeds.

Most of the Members present understood what the gentleman from Washington said when he mentioned "the seed bloc." For the benefit of the gentleman from California [Mr. MACLAFFERTY], who is a new Member, who may not know what that means, I will say that he probably has noticed that our friend from Kentucky [Mr. LANGLEY], although almost out of breath and hardly able to speak, is still on the floor and watching. And he may have noticed that our beloved friend from Mississippi [Mr. QUIN] has been here all afternoon. He may



also have noticed the prominent Member from the State of New York [Mr. LONDON], who stays here most of the time, has been waiting here all afternoon. What are they all here for? They are here to change the bill, Mr. Chairman, when we reach page 32, and they are going to put \$360,000 more on the bill to pay for garden seed.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TILSON. Does the gentleman know how the two gentlemen from New York are going to vote?

Mr. BLANTON. One gentleman from New York [Mr. LONDON] is not going to vote against sending out that great system of information to the people of New York that comes from a package of garden seeds. He wants the people educated in a socialistic way, and he wants to send out garden seeds. [Laughter.] His colleague over there from New York [Mr. SNELL] probably will not do it. How would you like to be out on a farm with a wife and five children dependent upon a garden to supply most of the food that goes on the family table, when, having the ground all prepared for planting, you ask for the seed, and your wife goes into the house and brings out that measly little package of garden seed that was sent to you from a Congressman? [Laughter.] The man would say, "Oh, throw it away and go to town and get me some garden seeds that will grow and be sufficient to really furnish food to the family." [Laughter.] I say to my people down in the country, "I send this seed out simply to prevent its being wasted. If I do not send it out myself it will be sent out by the Secretary of Agriculture."

That proposed \$360,000 garden-seed amendment is cut and dried, and if you let it come up this evening these Members will put that item on, and you can not stop them. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, \$95,080: *Provided*, That \$25,000 shall be immediately available for an exhibit at the National Dairy Exposition.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 11, after line 12, insert the following: "That the Secretary of Agriculture be, and is hereby, authorized and directed to make available to the public the information which may be presented or developed at the World Dairy Congress to be held in the United States during October, 1923, and that there is hereby appropriated the sum of \$30,000, which sum shall be available immediately, or so much thereof as may be necessary, for paying for the interpretation, translation, and transcription of discussions and the printing and binding and distribution of the proceedings of the World Dairy Congress, including the payment of postage to foreign countries and the employment of such persons and means in the city of Washington and elsewhere as may be necessary to accomplish these purposes."

Mr. BLANTON. Mr. Chairman, I make the point of order on that. It is legislation unauthorized by law.

Mr. ANDERSON. I hope the gentleman will not make a point of order.

Mr. HAUGEN. Mr. Chairman, will the gentleman withhold his point of order?

Mr. BLANTON. I will withhold it, but I reserve it.

Mr. HAUGEN. The World Dairy Congress is to be held in this country in October, 1923. In an act approved March 3, 1921, Congress authorized the President to extend invitations to foreign countries to participate, and the dairy industry of this country is contributing approximately \$100,000 to its support. Now, it is suggested that \$30,000 be appropriated by Congress for the translation, interpretation, printing, binding, and distribution of the proceedings and valuable information that may be developed at the dairy congress, so that it may be made available. The amount suggested seems to be a very reasonable amount.

The dairy people are very much interested in it, as well as the Department of Agriculture, which is also greatly interested in it.

Mr. SNELL. Just what are you going to spend the money for?

Mr. HAUGEN. As stated in the amendment, for the interpretation and translation of the discussions and the printing, binding, and distribution of the proceedings of the World Dairy Congress.

Mr. BLANTON. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. BLANTON. If I thought that the dairy interests of the United States would receive 25 cents on the dollar benefit out of this appropriation, I would not only withdraw the reservation but I would vote for the gentleman's amendment; but my experience in watching these matters has been such as to lead me to believe that most of this \$30,000 will be eaten up in administrative expenses and that the dairy interests will not be benefited.

Mr. HAUGEN. No; it can not be used for administrative expenses, because the amendment provides what the money shall be expended for. The gentleman is aware of the fact that we have spent millions of dollars on publications, and there is no reason why this valuable information should be bottled up. If it is of value, it should be made available to the people interested.

Mr. BEGG. There is nobody in the department capable of translating French or Portuguese or whatever is to be spoken in this convention, is there?

Mr. HAUGEN. Delegates are invited from all parts of the world. This is a world congress.

Mr. BEGG. Does the gentleman say there is no one down there capable of translating?

Mr. ANDERSON. There are unquestionably able translators down there.

Mr. BEGG. What is the idea of hiring new ones?

Mr. HAUGEN. They have in the department translators who are capable of translating 15 or 20 languages; they are as able translators as they have in any other department or probably anywhere else; but whether they have or have not, provision is made here that these proceedings may not only be translated but disseminated.

Mr. McLAUGHLIN of Michigan. Mr. Chairman—

Mr. BLANTON. I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order that this is legislation on an appropriation bill unauthorized by law. Does the gentleman from Michigan [Mr. McLAUGHLIN] desire to discuss the point of order?

Mr. McLAUGHLIN of Michigan. I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. McLAUGHLIN of Michigan. I am not a parliamentary sharp, but in my judgment there is little in the proposition offered by the gentleman from Iowa [Mr. HAUGEN] except the publication and dissemination of matters of information relating to agriculture and of interest to the entire country. There is little, if anything, except to provide for the printing and disseminating of information collected by the Department of Agriculture. This will be an international gathering. Men from all parts of the world will attend. It is an annual affair, as I understand. The association has accepted the invitation of our Government to hold its convention in the United States in the coming year. In my judgment, there is little, if anything, in this amendment except the publishing of information to be given out at the convention relating to agriculture to be widespread throughout the country. That kind of work is authorized by law.

Mr. BUCHANAN. In addition to what the gentleman has just said, which I indorse, I desire to call the attention of the Chair to the fact that the point of order in my judgment is not good.

The amendment is offered to a paragraph which reads as follows:

To enable the Secretary of Agriculture to make suitable agricultural exhibits at State, interstate, and international fairs held within the United States; for the purchase of necessary supplies and equipment; for telephone and telegraph service, freight and express charges; for travel, and for every other expense necessary, including the employment of assistance in or outside the city of Washington, \$95,080: *Provided*, That \$25,000 shall be immediately available for an exhibit at the National Dairy Exposition.

I submit that the point of order comes too late, because it is made against an amendment offered to a paragraph which itself is subject to a point of order, and the rule is that all germane amendments to such a paragraph are in order.

Mr. BEGG. Mr. Chairman, this seems to me to be a case so flagrantly in violation of the rules of the House that it is unnecessary to discuss it or even offer a word on it. The distinguished gentleman from Michigan discussed germaneness. I will concede the germaneness of the amendment. But here is the point I should like to direct to the attention of the Chair for just a moment. This amendment is the identical bill that was reported out of one of the major committees or ordered reported less than a week ago, to legislate to make available the information received at this conference. If this is not legislation, it is



impossible to find anything that is legislation on an appropriation bill. It does not make any difference what the information is about. It does not make any difference what good it will do. This is providing the machinery for disseminating that which is clearly legislation, and can not be done without the Department of Agriculture being given authority to do it by special legislation.

Mr. HAUGEN. What is the gentleman's point of order?

Mr. BLANTON. My point of order is that the amendment is legislation on an appropriation bill, unauthorized by law.

Mr. HAUGEN. The organic law authorizes this very thing.

Mr. BLANTON. The gentleman is arguing against the position that he so soundly took yesterday and this morning on another proposition.

Mr. HAUGEN. My suggestion yesterday was that there was no law authorizing that particular thing to be done.

Mr. BLANTON. Let me make this suggestion in order to keep the record straight. The position taken by my colleague [Mr. BUCHANAN] as to amendments is eminently correct where an amendment is offered from the floor which is out of order and no objection is made to it, and then an amendment is offered to that amendment. In such a case a point of order to the second amendment would not be sustainable, but the rule does not go as far as my colleague indicates. This is a part of the bill, and the gentleman offers an amendment out of order from the floor. The same rule does not apply.

The CHAIRMAN. The Chair is ready to rule. The Chair is very clear in his mind that this amendment directs the Secretary of Agriculture to do certain specific things, and is therefore legislation on an appropriation bill and subject to a point of order. The Chair sustains the point of order.

Mr. HAUGEN. I offer this amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 11, after line 12, insert the following:

"There is hereby appropriated the sum of \$30,000, or so much thereof as may be necessary, for paying for the interpretation, translation, and transcription of discussions, and the printing, binding, and distribution of the proceedings of the World's Dairy Congress, including the payment of postage to foreign countries and the employment of such persons and means in the city of Washington and elsewhere as may be necessary to accomplish these purposes."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill unauthorized by law. There is no question but what it comes within the same rule just followed by the Chair. It is practically the same amendment. If this were in order you could call any other kind of a conference imaginable without special authorization.

You could call any other kind of a conference in any way connected with agriculture and have delegates come from all over the world and print the deliberations and disseminate it throughout the country by action on an appropriation bill, which would clearly be out of order.

Mr. BEGG. I would like to get this thought to the mind of the Chairman in passing on this subterfuge. The President of the United States himself can not call a conference similar to this without being specially authorized by Congress so to do.

Mr. ANDERSON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. ANDERSON. Perhaps the gentleman knows it, but the President of the United States was authorized by law to call this conference.

Mr. BEGG. I grant that, and he needed that authorization. The President himself can not call such a conference as this without authority granted by Congress.

The CHAIRMAN. But there is nothing in the amendment in reference to that.

Mr. BEGG. The President has been authorized to call the conference. Now, if the President can not call the conference, certainly the President's servant, the Secretary of Agriculture, can not distribute the proceedings of that conference without special authority, because in the law granting the President authority to call the conference there was no authority granted him to disseminate the information acquired at that conference. The only way you could disseminate that would be by extending the authority given the Department of Agriculture. To undertake to do it by this process is nothing short of a subterfuge in order to avoid the rules of the House.

Mr. BUCHANAN. Will the gentleman yield?

Mr. BEGG. Certainly.

Mr. BUCHANAN. Independent of the act authorizing the President to call the conference, does not the gentleman believe that the organic law creating the Department of Agri-

culture is authority for making this appropriation? That organic act reads:

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word.

Now, the conference having been legally called by the President of the United States, has not this House on this bill, without being subject to a point of order, the right to make that appropriation to enable the Secretary of Agriculture to comply with the organic law creating the department?

Mr. BEGG. I will say in reply to the gentleman that the organic law does not permit the Secretary of Agriculture to go beyond the power of the President of the United States in jurisdiction. Congress has limited the jurisdiction of the President in calling the conference by a statute; in other words, it passed a law—and it required the special permission of Congress—saying to the President, you may call that conference, but that does not carry with it permission to his servant to disseminate and do as he pleases with the proceedings of the conference.

Mr. BLANTON. Will the gentleman yield?

Mr. BEGG. Yes.

Mr. BLANTON. I call attention to the fact that one purpose of the expenditure of the \$30,000 is to translate into our language addresses of representatives of the various foreign delegates from foreign countries, and that there is no provision whatever in the organic act that contemplates anything of the kind.

Mr. BEGG. The gentleman is right about that. I would like to offer a further suggestion, and then I have nothing further to say on the proposition. Suppose, Mr. Chairman, that the Secretary of Agriculture should deem it advisable to mail a hand-bound gilt-edged volume of the proceedings to everybody in the United States. Does anyone contend that he could do that under authority of law and then bring in a deficiency appropriation? If he has the right to go ahead and do this under the authority that the bureau grants him, he has a right to bring in a deficiency appropriation the same as other departments do.

Mr. SNELL. Mr. Chairman, I would like to call attention to Rule XXI, page 363, which reads as follows:

By a general provision of law, appropriations for investigation and the acquirement and diffusion of information by the Agricultural Department on subjects related to agriculture are generally in order in the agricultural appropriation bill.

This provides for the diffusion of information and the translation would be a part of it.

Mr. BEGG. Does the gentleman contend that that rule gives jurisdictional powers outside the United States to the Secretary of Agriculture in the face of the fact that our own law prohibits the President, his superior, from doing that thing?

Mr. SNELL. This conference is going to be held in the United States—something that has been permitted by Congress. This authority says "the acquirement and diffusion of useful information." That absolutely covers everything that you want to do here.

Mr. BEGG. I do not think so. I do not think that by any stretch of the imagination you can give authority to the Secretary of Agriculture beyond the power that the President of the United States has.

Mr. SNELL. This has nothing to do with the power of the President; it is the diffusion of information, the acquirement and diffusion of information definitely provided for in this rule, and that is all we want to do.

Mr. BEGG. The President of the United States had to come here to get authority to call the conference.

Mr. DOWELL. Mr. Chairman, if the gentleman from Ohio will read the organic law creating the Department of Agriculture, he will see that it gives ample authority.

Mr. BEGG. I do not think so.

Mr. DOWELL. In this section of the act creating the Department of Agriculture we find the following as one of its functions: "The acquirement and the diffusion among the people of the United States of useful information on subjects connected with agriculture."

Mr. BEGG. Acquired where—in South America?

Mr. DOWELL. It does not limit it—wherever it is acquired, if it is useful, he has that authority.

Mr. Chairman, in view of that language in the organic law creating this department, there can be no question that this amendment is in order. As the amendment first read, with direction to the Secretary, it was not in order, because it was a direction which was not contained in this law; but under the present status of the amendment, which merely makes an appropriation for the purpose for which this section provides,



he has authority. It seems to me there can be no question that this appropriation is in order.

Mr. MOORE of Virginia. As seeming to test the correctness of the gentleman's view, we find that now the Department of Agriculture, without specific provision to that effect, distributes a number of pamphlets every year that have relation to the dairy business.

Mr. DOWELL. Yes.

Mr. MOORE of Virginia. And if the gentleman from Ohio [Mr. BEGG] is correct in his contention, the Department of Agriculture has greatly exceeded its authority.

Mr. DOWELL. Yes; and if the gentleman from Ohio will go back to his original proposition, it would not be permissible to publish any information not secured within the United States, which would be a preposterous proposition.

Mr. BEGG. Mr. Chairman, I do not concede that point. Where did this information that is to be specially prepared and put out get any authority for being? Through an act of Congress granting permission to the President of the United States; and in no other way can it come about.

Mr. DOWELL. Congress granted the authority to the President of the United States to call a certain conference. That conference is being called in accordance with the authority given the President by the act of Congress. That has already been accomplished. I want to again read a part of this section for the benefit of the Chair, because it seems to me it is so clear that there can be no question about it—

the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the word.

It seems to me that the gentleman from Ohio [Mr. BEGG] can not so limit this authority when it is so clear in language that it does not admit of the construction the gentleman from Ohio has seen fit to place upon it.

Mr. BEGG. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Yes; for a question only.

Mr. BEGG. I simply want to put a question and make a brief statement.

Mr. DOWELL. The gentleman has the opportunity to present his case. I yield for a question.

Mr. BEGG. If the gentleman's contention is correct, under the broad provisions of the statute the Secretary of Agriculture has the right and the authority to do anything that he wants to, if he believes it will stimulate agriculture. He could even take all of these foreign representatives that come here and without any added legislation under the general grant send them into every county in the United States to make a speech on agriculture.

Mr. DOWELL. Oh, no.

Mr. BEGG. There is not a bit of difference in the position.

Mr. DOWELL. Oh, there is a reasonable construction upon this language.

The CHAIRMAN. The Chair is ready to rule.

Mr. BLANTON. Mr. Chairman, I would like recognition to ask the gentleman a question. If the gentleman's position is correct, and usually he is sound, why does not the committee, instead of taking up 72 pages in this bill of printed matter for specifications, just bring in a three-line bill granting the Secretary of Agriculture the \$68,000,000 that they give him and let him proceed under this organic act, if it is so broad?

Mr. ANDERSON. Does the gentleman think that that would be out of order?

Mr. BLANTON. It would be out of order, and it is out of order to translate from various languages at an expense of \$30,000 the information of this international dairy conference without specific authorization therefor.

Mr. DOWELL. That method would not be subject to the point of order, but certainly it would be bad legislation. It would be within the authority granted under the organic law.

The CHAIRMAN. The Chair realizes, as has already been stated by the Chair, that the organic law creating this department, particularly with reference to the dissemination of useful information, is extremely broad. The Chair feels that this is information useful to the people of the United States, and as there is a law providing for the dissemination of this knowledge the Chair feels that the amendment is in order. The Chair quotes from Barnes Federal Code as follows:

(618. Establishment of department.)

There shall be at the seat of government a Department of Agriculture the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

The Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

#### GENERAL EXPENSES, WEATHER BUREAU.

For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies, in the Panama Canal, the Caribbean Sea, and on adjacent coasts, in the Hawaiian Islands, in Bermuda, and in Alaska, the provisions of an act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture, for the employment of professors of meteorology, district forecasters, local forecasters, meteorologists, section directors, observers, apprentices, operators, skilled mechanics, instrument makers, foremen, assistant foremen, proof readers, compositors, pressmen, lithographers, folders and feeders, repairmen, station agents, messengers, messenger boys, laborers, special observers, displaymen, and other necessary employees; for fuel, gas, electricity, freight and express charges, furniture, stationery, ice, dry goods, twine, mats, oil, paints, glass, lumber, hardware, and washing towels; for advertising; for purchase, subsistence, and care of horses and vehicles, the purchase and repair of harness, for official purposes only; for instruments, shelters, apparatus, storm-warning towers and repairs thereto; for rent of offices; for repair and improvements to existing buildings and care and preservation of grounds, including the construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds; and the erection of temporary buildings for living quarters of observers; for official traveling expenses; for telephone rentals, and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service; for the maintenance and repair of Weather Bureau telegraph, telephone, and cable lines; and for every other expenditure required for the establishment, equipment, and maintenance of meteorological offices and stations and for the issuing of weather forecasts and warnings of storms, cold waves, frosts, and heavy snows, the gauging and measuring of the flow of rivers, and the issuing of river forecasts and warnings; for observations and reports relating to crops and for other necessary observations and reports, including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information, as follows:

Mr. BLANTON. Mr. Chairman, I move to strike out the last word in order to call the attention of the chairman to this language on page 13, line 11:

Including the construction of necessary outbuildings.

I do not know whether the chairman has investigated it or not, but at many of these weather bureau stations, scattered over the country, the observer is permitted to live in the station building. Usually that ground has been either donated by the community or purchased by the Government, and in many places it embraces as much as a quarter of a block of land. In many instances there is nothing but the one building, just the weather bureau station. All of these observers get very moderate salaries. They can barely exist on the salaries allotted to them. You will find that practically all of them are men of families. I happen to know that in instances they have asked the Weather Bureau, at an expense of not over \$200, to construct an outbuilding on one corner of the quarter of block of ground, in which they could keep a horse or a milch cow, which would mean probably a third of their family expenses, and in such instances such requests have been turned down. These men are required to build the structure at their own expense, if they can get permission to do so. That is a permanent improvement to Government property. In the long run it costs very little, and yet it means very much to these low-salaried officials, and I want to say right here that this is one of the most important bureaus in the Government, in my judgment.

I happen to have had that impressed upon me several years ago when with my family I was camping 17 miles from Galveston on Galveston Island with campers all around and beyond, and at noon one day a man came riding up on a horse covered with foam and said, "You must get out of here immediately or everybody will be drowned." That man came from the weather bureau there, and one of the greatest storms of the history came and these hundreds of people, men, women, and little children, were enabled to get out of there and get to Houston before the storm came because of that notification. Under this language here, has any provision been made as to appropriation, I am asking the chairman, for the construction of necessary outbuildings? Would the Weather Bureau be authorized to give these observers these little outbuildings for which they have asked?

Mr. ANDERSON. I presume they would under that language if they had the money to do it with.

Mr. BLANTON. Does the gentleman know whether or not this appropriation gives sufficient money where such outbuildings are necessary?

Mr. ANDERSON. We give the amount estimated for. I do not think it is the practice or policy of the Weather Bureau to build these buildings. If they were to build them it would be an exception, in my judgment, to the general policy.

Mr. BLANTON. I am in favor of economy everywhere as much as any man in this House, but in cases of that kind I



think it is money well spent, and where we are giving \$5,000 to a chief in charge of bureaus and \$1,000 and \$1,200 to an observer who is really doing important work, I think it is highly proper to build these outbuildings in which they can keep their family milch cow.

Mr. ANDERSON. Mr. Chairman, I rise in opposition to the pro forma amendment. I just want to say that what the gentleman from Texas has just stated is illustrative of a very interesting characteristic of human nature. The gentleman from Texas is very much interested and very much in favor of the work being done by the Weather Bureau. I agree with him. It is a very important bureau and they do very fine work, work which saves millions of dollars every year. He is in favor of it because he knows about it, knows what it does, and its value. I expect with most of us the things we are against are the things we know the least about.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock, and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon; the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, \$529,640: *Provided*, That not to exceed \$15,000 shall be used for improvements and repairs to quarantine stations: *Provided further*, That no part of this sum shall be used for the manufacture, preparation, or distribution of blackleg vaccine.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to return to the preceding paragraph for the purpose of correcting the spelling in the word "quarantine" in line 25, page 16.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to the page indicated for the purpose of correcting an error in spelling. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the spelling of the word "quarantine" in line 25, page 16, may be corrected.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State, Territory, or county authorities, \$2,877,600, of which \$850,000 shall be set aside for administrative and operating expenses and \$2,027,600 for the payment of indemnities: *Provided, however*, That in carrying out the purpose of this appropriation, if in the opinion of the Secretary of Agriculture it shall be necessary to destroy tuberculous animals and to compensate owners for loss thereof, he may, in his discretion, and in accordance with such rules and regulations as he may prescribe, expend in the city of Washington or elsewhere out of the moneys of this appropriation, such sums as he shall determine to be necessary, within the limitations above provided, for the reimbursement of owners of animals so destroyed, in cooperation with such States, Territories, counties, or municipalities, as shall by law or by suitable action in keeping with its authority in the matter, and by rules and regulations adopted and enforced in pursuance thereof, provide inspection of tuberculous animals and for compensation to owners of animals so destroyed, but no part of the money hereby appropriated shall be used in compensating owners of such animals except in cooperation with and supplementary to payments to be made by State, Territory, county, or municipality where condemnation of such animals shall take place; nor shall any payment be made hereunder as compensation for or on account of any such animal destroyed if at the time of inspection or test of such animal, or at the time of condemnation thereof, it shall belong to or be upon the premises of any person, firm, or corporation, to which it has been sold, shipped, or delivered for the purpose of being slaughtered: *Provided further*, That out of the money hereby appropriated no payment as compensation for any tuberculous animal destroyed shall exceed one-third of the difference between the appraised value of such animal and the value of the salvage thereof; that no payments hereunder shall exceed the amount paid or to be paid by the State, Territory, county, or municipality, where the animal shall be condemned; and that in no case shall any payment hereunder be more than \$25 for any grade animal or more than \$50 for any pure-bred animal, and no payment shall be made unless the owner has complied with all lawful quarantine regulations.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. McLAUGHLIN of Michigan: Page 18, line 24, strike out "\$2,877,600," and in lieu thereof insert "\$4,000,000."

Mr. McLAUGHLIN of Michigan. Mr. Chairman, by my amendment I am suggesting an increase of a little more than a million dollars in the total amount of money to be available for this tuberculosis work. As will be noticed, by leaving the sum of \$850,000 for administration as it is and by increasing the total appropriation there will be a little more than \$1,000,000

more money available to the department for the purpose of co-operating with the State in the payment of indemnities. This work of eradicating tuberculosis was started several years ago and has been progressing very satisfactorily. I have always been very much interested in it. As proof of my interest, I may say that the language of this provision is my own, it having been committed to me by the Committee on Agriculture to draft the provision after the committee had determined that the work should be done and a substantial amount of money appropriated to carry it on. The States have been showing a very commendable interest in the work. Many of them have made substantial appropriations. It is evident, however, and becoming more evident as time goes by, that if the work is to be carried on as it should be, and as there is every promise it will be in the very near future, the amount of money necessary for paying indemnities must be increased over the amount carried in this bill. We hear from many sources and we have it officially in the hearings that many States have already made large appropriations that will be available, largely increased over those that have been available in the past, and that several States are getting ready at the sessions of their legislatures which will be held after the 1st of January largely to increase their appropriations.

Mr. SNELL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. SNELL. Will the gentleman permit this question? I am very much interested and I want to say to the gentleman that the State of New York's present appropriation is a million and a half dollars; that one State, to take care of this proposition, and the feeling among the farmers of our whole State is that the Federal Government should be a little more generous than at present, although they appreciate what has been done by the Congress.

Mr. McLAUGHLIN of Michigan. In that connection I might say that the amount of money appropriated by the State of New York for this fiscal year is only \$532,000.

Mr. SNELL. But the next time it is a million and a half?

Mr. McLAUGHLIN of Michigan. And next year there will be in that one State \$1,500,000, as the gentleman from New York says.

Mr. SNELL. I notice in the hearings there are quite a number of more claims this year than last year. How are we going to cut them unless we increase the appropriations a little in order to cut them? The average number of claims remaining over were about 9,000 last year and something over 10,000 this year. It seems to me we ought to keep up. We can not decrease the number unless we do.

Mr. McLAUGHLIN of Michigan. The hearings show that the number of claims are rapidly increasing, the increase running into the thousands.

It is evident from any standpoint from which you look at the proposition that a very large amount of money over the amount now available and to be provided by this bill will be necessary.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes; I yield to the gentleman from New York.

Mr. CLARKE of New York. Is it not also an additional factor that should be taken into consideration that a great many of the herds have been tested and reactions have been obtained from the tests, and when reactions are ended it is sometimes necessary to go forward with follow-up work and have additional tests in order to clear up all these herds, so that we should make an appropriation at least of \$4,000,000, as suggested?

Mr. McLAUGHLIN of Michigan. Yes. As I understand, in doing this work it is often necessary to make more than one test, or by follow-up work, as the gentleman says.

Mr. CLARKE of New York. It is the follow-up work that is the most necessary.

Mr. McLAUGHLIN of Michigan. Yes; as the gentleman from New York says, the follow-up work is an important part of the work.

I notice from the hearings that the gentlemen of the bureau who are carrying on this work say that if the same amount of work that is done by them relatively is carried throughout the entire country more money for administration will be necessary. I will add to that, Mr. Chairman, this remark, that this work is so big that it will be impossible for the agents of the Federal Government to do all of it or even to take part in all of it. The Government has started the work. Government officials, very able and competent men, have shown how the work can be done and how it ought to be done, and it is not necessary for Government agents and employees to do or to take part in all the work.



What I am saying now is in line with the position I have often taken heretofore. I have always been in favor of the Government of the United States carrying on experimental work, carrying on all kinds of investigational work, and doing the necessary amount of demonstration work, taking the results of its scientific inquiry out to the country, thereby showing their value, how they can be used and applied, and how the people taking them up can themselves make use of them. I am objecting to the Government, after doing all this scientific work and all this investigation, analysis, and experiment, going out into the country and actually doing the physical work of applying and making use of all these improved methods.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask for five minutes more. I may not use it all.

The CHAIRMAN. The gentleman from Michigan asks for five minutes more? Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, may I ask the gentleman a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. DEMPSEY. Is it not a fact that this work more than doubled in the last fiscal year?

Mr. McLAUGHLIN of Michigan. I have it in mind that it just about doubled throughout the country; in many of the States more than that during the year.

Mr. DEMPSEY. The statistics show that it did, as a matter of fact, more than double last year.

Mr. KETCHAM. Mr. Chairman, will my colleague yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. KETCHAM. I call the gentleman's attention particularly to lines 10 and 11, page 20, where it is provided that the payments shall not be more than \$25 for any grade animal or more than \$50 for any pure-bred animal. I do that for the purpose of asking a question. I judge those operations were established when the relations of the grades and pure breeds were somewhat adequately represented by those two amounts. Does not the gentleman believe that the amount provided for the payment for pure-bred animals should be more, or at least that the relation should be changed in this increased appropriation that he is asking for, in view of the fact that the grades are lower and the pure breeds are higher?

Mr. McLAUGHLIN of Michigan. When this matter was considered in committee and in the House and in conference there was a difference of opinion as to what these amounts should be. I was in favor of a larger amount to be paid for the slaughter of a pure-bred animal. Many of those animals are very valuable. But it was the consensus of opinion then that the amount ought to be fixed at \$50. That was the best we were able to do at that time. The best we could do was to put it at \$50.

Mr. KETCHAM. Is not that in line with my suggestion that the amount for the pure-bred animal should be increased if this amendment prevails? Is it not a fact that tuberculosis is very much more prevalent in the pure breeds than in the grades?

Mr. McLAUGHLIN of Michigan. In the amendment I offer no change will be made in the amount of payment for any animal destroyed. I will say to the gentleman that he has perhaps overlooked the fact that this amount, \$25 or \$50, as the case may be, is merely the Federal Government's contribution and that the Government is not permitted to pay more than the State pays, nor more than one-third of the entire amount to be paid to the owner.

Mr. DEMPSEY. The hearings show that instead of there being an increase in the average appraisal there was a decrease. It was reduced from \$149.68 in 1921 to \$111.67 in 1922, or an average reduction of \$38.01 per head.

Mr. McLAUGHLIN of Michigan. Yes. I think inasmuch as these amounts were found to be satisfactory during the war, when high prices prevailed, they will be found satisfactory now.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Illinois.

Mr. McKENZIE. Has it not been the policy of the Committee on Agriculture, to a certain extent at least, to hold down the valuation? In other words, has it not been the policy to throw a part of the responsibility of having a pure and clean herd of cattle upon the owner of the cattle? If the Government is going to carry on the policy of covering anything like the full value of the cattle in the payments of indemnity for tubercular cattle destroyed, there would be no incentive to the farmer to use care and discrimination in the selection of his herd and to have a clean herd. That is to say, the owner should not be permitted

to profit at least by having a herd that was affected with tuberculosis.

Mr. McLAUGHLIN of Michigan. No; he should not.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, may I have two minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. If officials of the Government are expected to do or supervise all the work in all the States, they will not be able to meet all demands if the work be increased and extended, as it certainly will be if the amount of money available for indemnities is increased by \$1,000,000, as my amendment proposes.

They will not be able to do as much work as they would like to do or cover as much territory as they would like to cover. But they have discovered the remedy and have learned how to apply it. The work they have done in various parts of the country is and ought to be a demonstration of the method and plan to be pursued. It is now the duty and the privilege of the States to take upon themselves the burden of the actual physical work.

The States are now prepared to take up a larger part of the work. The States wish to do it, as appears by the large appropriations they have made and are preparing to make. The States wish only the advice and cooperation of Federal officials and agents, also that the Government shall provide money to pay a portion of the value of animals destroyed.

If the Government is willing to supply money necessary to pay its share of the indemnities, the States are ready and more than willing to do a large part of the work of investigation, inspection, and so on, and to relieve the Government of a large part of the expense of such work. These things being considered, in my judgment, the amount of money for administration need not be increased; but it is absolutely necessary that the money for indemnity be increased.

Mr. MOORE of Virginia. Does it not appear fairly from the hearings that unless an increase is made the work will be slowed down; that it will not be conducted in the vigorous way necessary, and that the department will not be able to carry out its conception of eradicating tuberculosis substantially within 10 years? I desire to emphasize that.

Mr. ABERNETHY. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from North Carolina makes the point of order that there is no quorum present.

Mr. McLAUGHLIN of Michigan. The gentleman did not give me a chance to answer the question of the gentleman from Virginia.

Mr. ANDERSON. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the agricultural appropriation bill, H. R. 13481, had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4100. An act to amend section 9 of the trading with the enemy act as amended.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that December 18 they had presented to the President of the United States, for his approval, the following bills:

H. R. 11040. An act to amend an act entitled "An act authorizing the sale of the marine-hospital reservation in Cleveland, Ohio," approved July 26, 1916; and

H. J. Res. 408. Joint resolution authorizing payment of the salaries of the officers and employees of Congress for December, 1922, on the 20th day of that month.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLER, indefinitely, on account of sickness (at the request of Mr. CLAGUE).

To Mr. RAMSEYER, indefinitely, on account of illness.

To Mr. PATTERSON of Missouri, on account of the death of his father. (Leave requested by Mr. ROACH.)



## ADJOURNMENT.

Mr. ANDERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned until Friday, December 22, 1922, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

849. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Miami Harbor, Fla. (H. Doc. No. 516); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

850. A letter from the chairman of the War Finance Corporation, transmitting Fifth Annual Report of the War Finance Corporation for the year ended November 30, 1922; to the Committee on Ways and Means.

851. A communication from the President of the United States, transmitting, with a letter from the Director of the Bureau of the Budget, a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1923, for cooperative construction of rural post roads, \$25,000,000 (H. Doc. No. 517); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 13540. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; without amendment (Rept. No. 1309). Referred to the Committee of the Whole House.

Mr. TINCHER: Committee on Agriculture. S. 1452. An act providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them; with an amendment (Rept. No. 1310). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 1034. An act to establish a game sanctuary in the watershed of the south fork of the Flathead River in the Flathead National Forest, to perpetuate a breeding place for game animals; without amendment (Rept. No. 1311). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 13534) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: A bill (H. R. 13535) to authorize payment of expenses of Washington-Alaska military cable and telegraph system out of receipts of such system, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 13536) to authorize the Secretary of War to distribute available aeronautical equipment to educational institutions, manufacturers, and designers of aircraft, and to others engaged in aeronautical research work, and for other purposes; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 13537) defining the legal status of all children under 18 years of age in the District of Columbia, creating a parental court, and providing for a child relief allowance for the assistance of certain mothers; to the Committee on the District of Columbia.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 13538) to provide for the purchase of a site and for the erection of a public building thereon at Red Lion, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. COPLEY: A bill (H. R. 13539) granting the consent of Congress to the village of South Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON: A bill (H. R. 13540) granting pensions and increase of pensions to certain soldiers and sailors of the

Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. FISH: A bill (H. R. 13541) authorizing a loan of \$20,000,000 to Armenia, provided the conference at Lausanne, Switzerland, makes adequate territorial provision for an Armenian national home; to the Committee on Ways and Means.

By Mr. HAWLEY: Joint resolution (H. J. Res. 415) for the relief of St. Helens, Oreg., by improving the channel between the harbor of St. Helens and the Columbia River; to the Committee on Rivers and Harbors.

By Mr. PERKINS: Concurrent resolution (H. Con. Res. 76) for the appointment of a commission of three Members of the Senate and three Members of the House to investigate the needs of the Patent Office and to report not later than January 24, 1923, and for other purposes; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 13542) granting a pension to Esther Hill Morgan; to the Committee on Pensions.

Also, a bill (H. R. 13543) granting an increase of pension to Jeremiah B. Thomson; to the Committee on Pensions.

By Mr. J. M. NELSON: A bill (H. R. 13544) granting a pension to Evaline Tichenor; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 13545) for the relief of Jeremiah F. Mahoney; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 13546) for the relief of Harry H. Burris; to the Committee on Military Affairs.

By Mr. ROACH: A bill (H. R. 13547) granting a pension to Samuel G. Riggs; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 13548) granting a pension to Joseph S. Rounds; to the Committee on Invalid Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 13549) granting a pension to Irene S. Slagle; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6662. By Mr. FENN: Petition of M. Harkiewicz and L. Sydorak, Ukrainian residents of Glastonbury, protesting against outrages of the Polish Government against the Ukrainian population of East Galicia; to the Committee on Foreign Affairs.

6663. Also, petition of B. Mileczuk, L. Appanovich, and Rev. M. Oleksiw, Ukrainian residents of Hartford, protesting against outrages of the Polish Government against the Ukrainian population of East Galicia; to the Committee on Foreign Affairs.

6664. By Mr. GREENE of Vermont: Petition of Dr. Guy W. Bailey, president of the University of Vermont, and his associates, for a national archives building; to the Committee on Public Buildings and Grounds.

6665. By Mr. KAHN: Petition of the Los Angeles Chamber of Commerce, relative to an adequate Army; to the Committee on Military Affairs.

6666. By Mr. KISSEL: Petition of the department of streets and public improvements, Newark, N. J., urging that the Government do not permit construction of a bridge by the Central Railroad of New Jersey across the mouth of Newark Bay below the transcontinental railroad freight yards; to the Committee on Interstate and Foreign Commerce.

6667. By Mr. LEATHERWOOD: Resolutions adopted by the military affairs committee of the Chamber of Commerce and the Commercial Club of Salt Lake City, Utah, and concurred in by the board of governors of said chamber of commerce, in favor of legislation which will maintain an Army with a minimum force of 150,000 enlisted men; to the Committee on Military Affairs.

6668. By Mr. STRONG of Pennsylvania: Petition of sundry residents of Indiana County, Pa., favoring repeal of discriminatory tax on small arms and ammunition; to the Committee on Ways and Means.

6669. By Mr. TEN EYCK: Petition of sundry American citizens of Ukrainian descent and Ukrainian residents of Watervliet and vicinity, on December 17, protesting against the wholesale slaughter and arrests of the Ukrainians by the Poles in the Western Ukrainian Republic; to the Committee on Foreign Affairs.